

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 2nd DECEMBER 2020

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[9:30]

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

## **QUESTIONS**

### **1. Urgent Oral Question**

#### **The Bailiff:**

Very well, before continuing with the debate on the composition of the Assembly, I have allowed an urgent oral question to be asked by Deputy Doublet of the Chief Minister. Deputy Doublet, are you prepared to you ask your oral question now?

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

Yes, please, Sir.

#### **The Bailiff:**

Chief Minister, are you there and able to answer the oral question now?

#### **Senator J.A.N. Le Fondré:**

I am certainly here and I believe I am able to answer the question, I have just been given the update.

#### **The Bailiff:**

Very well, we will deal with urgent oral question as a matter of first business now. I will allow 15 minutes of questions on this urgent oral question.

### **1.1 Deputy L.M.C. Doublet of the Chief Minister regarding loss of childcare provision by the over 70s.**

Thank you for allowing me to ask the question today. What consideration was given to the valuable role played by people aged over 70 in providing childcare when it was decided to move all of those people to the “high risk” category for COVID-19; and what support does the Council of Ministers plan to put in place to assist workers, especially essential workers, who now cannot work because of the loss of childcare provided by over 70s?

#### **Senator J.A.N. Le Fondré (The Chief Minister):**

It was decided that the over-70s would be added to the high risk category in line with the strong evidence of the significantly elevated risk of mortality in this age group of contracting COVID-19. It was also agreed to escalate the guidance for a step up in protection for Islanders at high risk, which now also includes the over-70s. This involves, in general, the advice to avoid mixing with others in indoor environments. Now, it is important, this is different to isolating but includes in the recommendation those at high risk can choose a small number of people to spend time with, which should alleviate concerns. We have been working hard to ensure everything is in place. We will be promoting it this week as we committed to, along with all the support available, and my understanding is that guidance will be issued and published later today. We are also going to monitor any impact which may arise from the loss of childcare provision and, if appropriate, will respond accordingly to provide support.

#### **1.1.1 Deputy L.M.C. Doublet:**

I thank the Chief Minister for his answer. If there are any essential workers who now do not have access to childcare because they have relatives who would otherwise have cared for their children who are now shielding or not able to care, what does the Chief Minister suggest those essential workers do to access childcare and would there be any support in place for them to do that?

#### **Senator J.A.N. Le Fondré:**

First of all, we will obviously monitor the position and if there is an issue, shall we say, we will be responding to provide support. I think the crucial thing there is to respond it back through either the helpline or the usual channels, including if they are working for the States through their line managers. What I will just emphasise, this is not shielding, this is about minimising contact and there is a subtle difference on there. Part of that is having a discussion with the family if they are providing childcare and just understanding the risk that are involved. But the first point is that guidance will be published on this today.

### **1.1.2 Deputy S.G. Luce of St. Martin:**

Some of the 45,000 people who will have downloaded the COVID app will be over 70 and if they look at the statistics for the 7-day average, they will note that it is now twice what it has been at any time during this pandemic. It will also be the over-70s that will most feel the need to be with their families at Christmastime. Given the statistics that we see on the COVID app, given the need for everybody to be with their families at Christmas, why is the Chief Minister not taking more action now?

### **Senator J.A.N. Le Fondré:**

I have literally just come out of a competent authorities meeting. We will be announcing further action at a press conference at 7 o'clock tonight and we will be arranging a briefing for Members, which has literally just been agreed upon, time to be confirmed, probably at about 5.45 p.m. tonight, which will give the full updates on what we are intending to do. There will be further measures coming through.

### **The Deputy of St. Martin.**

I am grateful, thank you.

### **1.1.3 Deputy K.F. Morel of St. Lawrence:**

With regard to support for families who find themselves without childcare because of the new guidelines for the over-70s, it is not just essential workers who will find themselves having to work out of the home and having to cope with not having childcare. Will the Chief Minister confirm whether or not there will be support available for all workers who may find themselves unable to access childcare, which as we know in Jersey is very costly and so extended families have a large job in providing that childcare?

### **Senator J.A.N. Le Fondré:**

Could I just make the point that this is obviously a fast-moving situation and quite literally these measures are being put in place during the course of this week. Obviously the measures that we are talking about were announced on Monday. The guidance, as I said, is being updated and will be published later today. In terms of support, the short answer is it will depend on the circumstances. The intention of all the measures that we are doing is to keep the schools open. So the expectation is that when ... as opposed to March/April time when the schools are closed this will be a different set of circumstances. There were measures put in place if they were required, which did provide support in terms of childcare and if we need to we can put those back in place. What I will just say is that obviously at the moment, and I know it is not all age groups that the Deputy is referring to, the intention is that the schools will continue to remain open.

### **1.1.4 Deputy K.F. Morel:**

I am pleased to hear that consideration is being given but the original question, I believe, asked what consideration was given during the decision-making process. Can the Chief Minister confirm whether or not consideration of potential support for parents, particularly of non-school aged children, was thought of during the decision-making process with regard to the stay at home guidelines?

**Senator J.A.N. Le Fondré:**

I think the point we are making is that this is fast-moving so the primary concern is about protecting people at high risk, as we know, and ensuring that the health systems are not overwhelmed. It was not the first item at the forefront of our minds but, equally, we are aware of the consequences that came through and so when we make these decisions we also look back at what measures we put in place previously and obviously we are very minded that if we need to put those back in place we will do. I think the point I am trying to say is that we are not ignoring it, we will adapt, as circumstances change ... and the reason I am saying that is because of the very different circumstances we are in, bearing in mind exactly the point the Deputy made about children of non-school age is that obviously we are trying to keep the schools open and that will have a fundamental difference, we believe, on the impact in the wider context of childcare arrangements. I do absolutely take the point for the younger age groups but we just have to assess the magnitude of the issue.

[9:45]

If we need to do support we will do but the crucial thing, given this has literally arisen in less than a week, is to get the measures out there to start dampening the overall problem that we are facing.

**1.1.5 Deputy I. Gardiner of St. Helier:**

I would like to ask the Chief Minister to clarify, as I am now more confused than I was before asking this question. My first clarification, if possible, is if a population above 70 can now safely provide childcare for the children who are in education, if it is a nursery or primary schools, is it safe for them to provide? If it is not safe, what support will the parents get to go back to work?

**Senator J.A.N. Le Fondré:**

Sorry, was that children who were not at nursery school or in primary school?

**The Bailiff:**

As I understood the question, and please correct me if I am wrong, Deputy Gardiner, you were referring to all. So the question firstly was: can those over 70 still provide childcare and, if not, what steps are being taken? Was that your question, Deputy?

**Deputy I. Gardiner:**

Thank you. I did have some technical problems and I heard only the last sentence. My question was: is it safe now for 70 and above to provide childcare and, if not, what support will be given to the parents to replace this childcare?

**Senator J.A.N. Le Fondré:**

The position, as I said, is that guidance is being finalised and will be issued today. It depends on the circumstances of the family. The advice under children and education, children and young people who are at high risk, their parents or guardians are advised to seek advice from the specialist, doctor or care provider on whether they should attend school currently. I think that has always been the case. Physical distancing and all other public health advice should be followed. In terms of visitors in the household, it gets slightly complicated as to whether the people who are over 70 are part of the same household or not, and then it is about balance of risk and understanding that. It is about having a conversation with the household and understanding the issues. I think the best reply I can give is ... because I do not want to put something out now which might be even more complicated. What I will do is I will make sure that it is covered in the guidance as clearly as possible but the point we are making at the moment is that we are not asking them to isolate, but we are asking them to start minimising contacts and that is usually with a wider group of friends or going out and those type of things but ... by going out I mean in indoor environments. But equally maintaining contact with family is very important. So it will depend on the individual circumstances affecting each household.

I will go back to the point that if there is a requirement to do, there will be, in the same way as we did in March and April, support put in place. However, we are dealing with a different magnitude of problem in terms of the schools will be open but equally we are also facing a significant increase in numbers, which has literally taken off in the last week.

**1.1.6 Deputy I. Gardiner:**

Does the Chief Minister suggest support bubbles should be created at this stage?

**Senator J.A.N. Le Fondré:**

I am not going to comment on support bubbles at this stage. The reason I say that is that one thing we will be putting out, but it will not be today, will be guidance around, for example, Christmas. What I certainly said this morning is that it needs to be very clear and very, very simple to understand and therefore I basically do not want to confuse matters on that front until we have that guidance in place. As I said, for me it has to be very, very simple to understand.

**1.1.7 Deputy R.J. Ward of St. Helier:**

I am having to adapt my question because I am more confused now. Can I ask a question as regards the decision-making process? Were the consequences raised in the question from Deputy Doublet considered at the time of the decision being made or do we have what is a reactive - and I mean that in the truest sense of the word - approach to the possible consequences that now have to be dealt with?

**Senator J.A.N. Le Fondré:**

The point I would make is that the advice that has come through is that we needed to take account of people at greater risk, which is those ... and again with more research and evidence it is age-related unfortunately and it is being suggested that those over 70. I would also try and make the very clear distinction between what was shielding previously and what is now essentially about minimising contact. The general view is that it is about balance of risk, my understanding is that childcare can still be provided but physical contact obviously must remain low. What we will do is make sure in the guidance that is as clear as possibly can be. As I said earlier, we did not go in the second order decision-making of what is the support for over-70s for childcare but we are also aware, because we dealt with this previously, that there needs to be a support in there. So it was effectively implicit in our considerations, i.e. that because we have had the support in place previously that we will go back to those measures if we need to. Does that make sense?

**1.1.8 Deputy R.J. Ward:**

Certainty is the key in all of these processes so people know where they are. Does the Chief Minister have a clear picture in his head of what the concrete actions will be and what it will look like if we continue to get increased numbers in terms of childcare and the possible time at which schools may be closed, which will compound this issue?

**Senator J.A.N. Le Fondré:**

Can I just emphasise that my focus is very much on the numbers. I am afraid my primary focus is not on childcare. Childcare, when I say it is a secondary issue, is important but the first priority is the overall numbers. My focus on the overall numbers. Yes, I have a very clear indication of what measures are being put in place. We did act on Monday, that was a result of my calling the competent authorities over the weekend, which has already announced the strong advice to work from home if it is at all possible from Monday. What we also said is that we would ask for further information and work to be done. That was on Monday, we have had the results of that work this morning, or very late last night, we have considered it this morning and we will be making further announcements at a press conference this evening and briefing States Members basically as soon as this sitting finishes this evening. In terms of the clear messaging that will be coming out tonight, yes, I have a very clear

understanding of where that is going. I cannot comment yet on the issues around school timings. Our intention at this stage is to keep the schools open as humanly far as it is possible and that remains the case today, and hopefully will continue to remain the case. We do have to be cognisant and mindful of what is happening with the numbers and the measures ... do not forget we were putting measures in place more than a week ago, if not longer. We have been putting strong advice out for quite some time and therefore we will see if some of those measures start to kick in probably in about a week or so's time, because each measure we put in place takes about 2 weeks to take effect.

**The Bailiff:**

We are now past 15 minutes, we are coming up to 20 minutes. I have notification of a question from Deputy Perchard and Deputy Pamplin and I will allow for a final supplementary from Deputy Doublet but no supplementaries to those 2 questions, I am afraid.

**1.1.9 Deputy J.H. Perchard of St. Saviour:**

In response to Deputy Doublet's supplementary, the Chief Minister advised that over-70s are not being told to shield but should "talk to their families and understand the risks involved." If people do not feel they do understand the risks fully or if they do not understand the difference between shielding and minimising contact, to whom can they speak from Government to get clarity on what the risks are to them and how to mitigate them?

**Senator J.A.N. Le Fondré:**

The very short answer on that is to ring the helpline on 445566.

**1.1.10 Deputy K.G. Pamplin of St. Saviour:**

It is good to hear the Chief Minister acting swiftly. My question is about the mental health and the concerns for the age bracket you have mentioned, can the Chief Minister assure Members and the Island's public this morning that extra efforts have been put in place to support the vulnerable and their mental health with the quick, fast-paced moving situation we all find ourselves in?

**The Bailiff:**

I am afraid, Deputy, that is outside the parameters of the question. The question relates to childcare being provided by the over-70s and not care of the over-70s themselves in terms of mental health.

**Deputy K.G. Pamplin:**

Then I will rephrase that following Deputy Perchard's response to the supplementary question, the information being provided for those over-70s who will not be able to provide the childcare and the anxiety that may cause those families, if that is permissible, Sir?

**The Bailiff:**

Yes.

**Senator J.A.N. Le Fondré:**

What we have been doing is Connect Me has obviously been ramped up again. That is something we put in a place a few weeks ago and that is around offering support for mental and emotional health. Further details on that can be found on the gov website/Connect Me or again from the helpline on 445566. There is a point there that that offers not only practical support but can give other advice as well. The other point to make, and as I said this will be in the guidance, what we are trying to say is this is about minimising contact, it is not about shielding. So that is about basically a small number of contacts that can include children and this will also be covered today in the press release and the guidance that will be going out.

**1.1.11 Deputy L.M.C. Doublet:**



I thank the Chief Minister for his answers. Would the Chief Minister agree that going forward children and families in these types of issues must be considered at the earlier stages? Does he agree with me that childcare is essential for the proper functioning of our economy, because without childcare parents cannot go out to work and support the economy. I would like to know specifically, he mentioned in March and April support was in place for essential workers, was any subsidised childcare for under-5s provided at that time and is that going to be provided for essential workers who, as he has advised today, call the helpline and ask for help?

**Senator J.A.N. Le Fondré:**

I would have to go back and check exactly what was in place. What I can confirm is that even when schools were shut, for example, we did keep some facilities open for what at that point was defined as essential workers but I think was widened out and the number of places were reasonably substantial in number. What I can do is - it may not be today unless we can include it in the presentation tonight - I will get a note to the Deputy just to outline the level of support that was in place for March and April and obviously get that to all Members.

**Deputy L.M.C. Doublet:**

Could I just ask the Chief Minister, I did ask about under-5s ...

**The Bailiff:**

I am sorry, Deputy, no. A final supplementary is a final supplementary, there is no opportunity for supplementary questions after that. I am sure you can address any concerns you have to the Chief Minister outside the parameters of the meeting.

**PUBLIC BUSINESS - resumption**

**2. Composition and Election of the States: Proposed Changes – fifth amendment. (P.139/2020 Amd.(5))**

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**The Bailiff:**

We now come on to resume the debate on P.139, the next amendment is to be lodged by Senator Farnham and I ask the Greffier to read the amendment.

**The Greffier of the States:**

Page 2, paragraph (a) - Delete paragraph (a) and substitute with the following paragraph - “(a) to agree that it should establish an Assembly of 48 Members comprising 12 Parish Connétables elected from within the current Parish boundaries, 8 Senators elected on an Island-wide basis and 28 Deputies elected from 6 large districts, and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows with the table set out in the amendment paper. (2) Page 3, paragraph (b) - Delete paragraph (b). (3) Page 3, paragraph (c) - Delete the words: “... and create an independent Boundaries Commission in time for the 2022 elections.”

[10:00]

**2.1 Senator L.J. Farnham:**

I will just explain briefly the proposition. It is an attempt to compromise in relation to improving voter equity among Deputies while retaining the Constables and, of course, the Island-wide mandate.

**The Bailiff:**

If you pause, Senator, there appears to be a conversation going on outside. Very well, please continue, Senator Farnham.

**Senator L.J. Farnham.**

Thank you. The 6 larger districts, when we look at other amendments in the main Proposition which looks to distribute the Deputies over 9 districts, so this looks to distribute the Deputies over 6 slightly larger districts, they are St. Helier District 1 and 2, the Vingtaines are laid out in the amendment, each return 6 Deputies. District 3, which would include the Parish of St. Clement and the Parish of Grouville, which would return 4 Deputies, the same with the Parish of St. Martin and the Parish of St. Saviour, which would be District 4, District 5 would consist of 4 Parishes, St. John, St. Lawrence, St. Mary and Trinity. They would also return 4 Deputies in District 6 which would be West St. Brelade, St. Ouen and St. Peter, also returning 4. On the amendment there is a diagram, a map, which shows the geographical map, if you like, and the proposed boundaries, and also some figures in relation to the numbers and the percentages in relation to voter equity. If you look at this scheme this would mean that approximately 72 per cent of the Assembly would be elected in line with international ... you know my view on international guidelines, insofar as they can be an interesting source of reference and we should not have to be tied to accepting them but, of course, the closer we can get to them, I think, some Members would appreciate. So it is not perfect but it is an improvement on what we have got. It does improve voter equity in those districts, those larger districts, those districts do maintain the Parish boundaries, with the exception of St. Helier which is split into 2 districts, the other districts maintain whole Parishes within them. I should just point out the figures in the chart relate to the figures at 2017. I have recently had an update on the figures from the Stats Unit and while the numbers of population and the estimate of eligible voters has increased slightly it makes very little change to the actual figures as set out in the amendment. Importantly what it does do is it includes voter representation or voter influence, if you want to call it that, insofar as it means that every Islander, every elector will be able to vote for many more States Members than currently. If we look at the P.P.C. (Privileges and Procedures Committee) Proposition then the maximum number of States Members elected by any one person would be 6. That would be in St. Helier Central District electing 5 Deputies and, of course, their Constable. Whereas in this amendment every Islander could elect 4 Deputies within their district plus the Constable, plus 8 Senators. So the minimum number under this amendment would be 13 and the maximum of 15, that is a greater voter representation than we have currently where the figures are between 10 and 13 per elector. It also achieves 4 other important things. It retains the Island-wide mandate, it retains of the office of Constable, it does introduce bigger constituencies and I know that is a point of contention because a number of Members would prefer to keep the Deputies within the Parishes as set out in Senator Le Fondré's Amendment. But the constituency idea is something that has been suggested and debated for some time. It is an attempt at a compromise and it is something that we can look to trial. If we look at the Guernsey experiment, they have been through a number of changes from the removal of their Island-wide ... first of all they removed the Constables and then I believe the Island-wide mandate, and then they went to super-constituencies and they felt that did not work for them so they have now gone to an all-Island electorate, which seems to have been manageable in relation to the voting process. Which is interesting because I remember the main reason or the main rationale presented for the removal of 4 Senators was that the electorate simply would not be capable of electing 12 Senators on a single ballot, it would produce a ballot that was too large. I think that train of thought has been dispelled by the result of the elections in Guernsey. For what it is worth, I am not sure that that is sustainable, but of course it is not for me to comment on what Guernsey might do, but I would not be surprised if that in some time in the future they reverted to a blended solution

of Island-wide and district election, because they do, like us, have a unicameral system that they have a single Chamber. If you have all Deputies or all Senators you lose something. The important thing with this amendment is it retains the Parish Constables. I think my views are well-known on that. I think that it is absolutely essential that the Constables remain in the States as elected. I think because in these super-constituencies where the Deputies would be elected to represent a district of either 2, 3 or 4 Parishes would put more emphasis on the election to Constable because the Constable will be the only representative in the Assembly that is elected purely by the Parish. I would hope that would mean they would perhaps be more interested and we would see less uncontested elections for Constables. I also believe that electing 4 Deputies in each district would mean there would be a contested election in every instance and, of course, retaining the 8 Senators I am sure would always mean for a contested election. I do not think - perhaps with the exception of the odd by-election - there ever has been an uncontested election to gain an Island-wide mandate. To sum up briefly, it keeps the Senators, it keeps the Constables, it keeps the Deputies in super-constituencies. It improves voter equity, increases voter representation and we still manage to make a slight reduction to the number of Members, reducing the total number of Members in the Assembly from 49 to 48. I hope I have explained it clearly and would be pleased to take any questions. I propose the amendment.

### **The Bailiff:**

Is the amendment seconded? **[Seconded]** I open the debate.

#### **2.1.1 Deputy S.M. Ahier of St. Helier:**

While I was recently re-examining the 2017 debate on electoral reform, I noted that this amendment is strikingly similar to the one brought by Senator Farnham 3 years ago in which he argued that: "We must improve equity, the equity of voting." I must ask Members, where is that voter equity in this amendment? District 5 has 8 representatives, being 4 Deputies and 4 Constables for a population of 14,450 people. District 6 has 7 representatives, one less, with a population of 21,440 people. In other words, District 6 has less representatives than District 5 despite having 50 per cent more people to represent. Then there are the Parishes at St. Martin and St. Saviour, which in this amendment have been allocated 6 seats as District 4, but which currently have 8 seats between them. Why would any resident of St. Martin or St. Saviour agree to that arrangement? As was mentioned earlier this week by the Constable of St. Martin, we should have been allowed to have an indicative vote prior to this debate so that the proposer could have considered withdrawing it. I will not be voting for this amendment and I believe that most Members will be of the same opinion.

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

It is difficult to know exactly where to start with this Proposition, it is a complete and utter mishmash. It reveals, I think, the lack of serious thought that has been given to it. For example, we look at larger districts and the presence of Senators. It seems to me that automatically one precludes the other. Either you are going for larger constituencies or you are going to Senators, an Island-wide Senators constituency, either one or the other, please. One has to go back to basics and just look at examining why no one else in the entire world attempts to have 3 levels of representation put to the electorate and wonder why they might get a little confused by that. No, fundamentally this is flawed, it is not well-thought through, it is what I have come to expect from this particular Senator and, sadly, I cannot vote for it either and I hope nobody else does.

#### **2.1.3 Deputy M. Tadier of St. Brelade:**

I have broken my own promise and I am speaking already. I will keep it brief though because I think there is a risk that one is going to just find lots of different ways to say the same thing. Let me put it this way, I think Deputy Ahier has highlighted the complete malapportionment in this Proposition. What it shows to me is that the Jersey establishment has completely no shame in some of the things that they have put forward over the years and what they continue to put forward today. We are

supposed to be, presumably, some of the best minds in Jersey, and I am saying that slightly tongue in cheek of course. But we are elected to represent people and do that fair-mindedly and with a certain amount of intellect. Some of the stuff that is even being considered here beggars belief. It shows that there are Members there who either have no concept of the bases of democracy or they just have complete contempt for it. To put something so nonsensical and so offensive to those fundamentals of democracy on the table beggars belief. I have just been reading back over Dr. Alan Renwick's comments. He provided some very helpful papers about electoral reform and even back then he was talking about malapportionment. In that case it was in the option (b) campaign and how option (b) made things worse. This is an impartial academic who is very familiar with electoral systems and is just looking at things dispassionately, saying: "That is the worst option you have." Again, we have an option here which makes things worse. There are several problems with this. The first one is that the number of votes someone gets is not the same as voter equity.

[10:15]

We can explain this clearly, similar to how I did yesterday. If you have 2 districts, one with 1,000 people living in it and one with 100,000 people and you say: "Look, you can vote for 5 people and you can vote for 5 people in the other one", you have the same number of votes and you say: "Everybody can vote for 5 Members and there are 10 Members altogether to represent the Island". That is voter equity in terms of the number of votes but it is completely malapportioned in terms of the voting power. I presume the Senator knows this. If he does not, maybe now that he has found out he should withdraw this. If he does know this, he should explain in the summing up why he has allowed something so egregious to go forward. The other point is that Senators might be appealing in the sense that they are easy to understand, because everybody gets to vote and then we end up with 8 Senators that somebody voted for, but which you as an individual had very little influence over. Because your vote is clearly diluted by the many other thousands of people in the Island who are also voting and may be in different districts. As you go down the line in terms of who gets elected, as Dr. Renwick has pointed out, because of the first-past-the-post system that we use, which always delivers potential questionable results in single-seat constituencies. Because it is possible for somebody to get elected without 50 per cent of the vote. It becomes even more problematic in multi-seat constituencies. He says because it is possible for a large minority to win all of the representation. It could well be, so at the moment it might well be that the country gets over-represented. But in the future if St. Helier started to come out to vote, if there was a party that was very successful, for example, when the right wing eventually get off their elbows and manage to form a credible opposition, and they put a field of 8 candidates up for the Senatorial elections. If and when - I do not think it would happen because we would give them a good run for their money - they could easily get all of those 8 seats if they just got enough of their large minority of supporters to come out and win the vote. This is the kind of thing that Dr. Renwick has been warning against. That is why we do not have any districts anywhere else in the Island that are 8 seats. It already becomes problematic when you have super-constituencies. But we can look at alternative voting systems another day. But those are just some of the reasons we should kick this out. This is an affront to democracy and to even be considering this. I know this will get some support. I do not know why. But, as we have seen yesterday, Members did not seem to go with the clearly most-democratic options that were put on the table. If those Members were themselves putting forward other alternatives, which were demonstrably democratic and fair, then they could be forgiven for doing that. But yet again they do not do that. They just sit on the Backbenches, on the sidelines, putting forward this kind of nonsense and not doing anything to address the fundamental issue, which at least P.P.C. is trying to do with their proposition. So I do ask Members not to give this too much time, to give it a round beating, and let us get on to the main debate now.

#### **2.1.4 Deputy R.J. Ward:**

This will be shortest speech I believe ever. I am very concerned that the Assistant Chief Minister should stand up in our Assembly and say that we really should not have to accept international guidelines. That troubles me enormously.

### **2.1.5 Senator S.Y. Mézec:**

I am going to try to be nice to Senator Farnham and just try to offer him a way to dig himself out of a hole that he has dug himself into. But first just to raise a couple of points, just to get them on the record, because I hope we will be over and done with this one relatively soon. Just so a couple more flaws are very easily highlighted so there cannot really be an excuse for not noticing them. Senator Farnham described this, and I took a note of his wording as he said it, as a compromise to improve voter equity. When in fact it is neither of those things. It is not a compromise because it does not please anyone. Literally nobody gets what they want out of this in terms of a fairer system, a simpler system, a better constituency makeup. So it just does not meet the definition of the word “compromise”. The Senator revealed in a previous States sitting that he has not engaged in any consultation with Members to put this forward. So how does he know that it is a compromise if he has not spoken to the people with whom this is meant to be a compromise with? It just does not meet that definition. As has been pointed out by other Members, it does not meet ambitions on voter equity as well. P.P.C.’s comments are abundantly clear on that with the north-central district over-represented by 30 per cent, the east-central district and the west district both under-represented by 17 per cent, which really is not justifiable. Deputy Ahier pointed out that the north-central district has the most representation for the least population out of all of these districts. Senator Farnham said it is okay because 72 per cent of Members elected will be elected within those international guidelines on malapportionment. All right, but what about the 28 per cent? That completely undoes all of the good that some might argue the 72 per cent being elected within those guidelines. Come on, it is ridiculous, you have to look at this holistically and not siphon off the bits to highlight the good things about those in isolation. Even when those good things are completely undone when the whole package is then put together. But the only final point I will make, just because I do not think anyone has made it, is just that the particular combinations of Parishes in electoral districts that he is proposing just does not make sense. In P.P.C.’s original proposition they have attempted for the districts to group Parishes together that are at least similar Parishes in terms of countryside or urban Parishes, *et cetera*, and trying to get the Parishes that have a vaguely similar population together, so you do not end up with one Parish being swamped because it is combined with one of the big urban Parishes. Senator Farnham has not done that here. In this version you will end up with the under-represented district of east-central, which is St. Martin and St. Saviour, under-represented from where it is now, so those voters are losing out without justification. You will end up in a constituency where voters in Georgetown are in the same constituency as voters in St. Catherine’s. For goodness sake, it just does not make sense. Let us just throw this rubbish out. The Senator will reflect on that and try to not be a block on change. If he thinks that, for example, keeping the Island-wide mandate is so fundamentally important to him, fine. But the way to make that statement is to vote against P.P.C.’s one. It is not to lodge an amendment that leaves nobody happy, does not take us forward, and masquerades as change when it is anything but.

### **2.1.6 Senator J.A.N. Le Fondré:**

Just briefly I hope, there were 2 thoughts that came to mind as Senator Mézec was speaking. The one observation I would make, although I do not disagree with some of the principles he is talking about, is he has recognised the issue around the problems with super-constituencies. Because he has talked about the issue of trying to match them up with at least similar Parishes. If you are dealing with super-constituencies in theory that is a completely pointless argument I would suggest. However, in other words you either recognise that Parishes have characteristics and that is what we should work within, or you say they do not, in which case it does not matter and you have to pay no consideration to the areas that you are covering. I have to say my consideration is that I think Parishes

do have different characteristics and I think that is very inherent to the community and almost the soul of the Island. But equally, I am afraid I too will not be supporting Senator Farnham's amendment, which he knows. The fundamental difficulty I have is that, with super-constituencies, it is inconsistent to have Senators. I do support the role of Senator. I still consider it to be the most democratic mandate that the Island has. But it does not make sense in the context of super-constituencies. So I am afraid I will not be supporting it either. I will also make the point that it does reduce the number of Members by one to 48. Given where we are and the overall numbers and workload that we are facing, the loss of a further Member would not be a good idea. I do commend, however, Senator Farnham, because he is passionate about the role of Senator. That is absolutely consistent with electoral commitments. He should not bear any criticism for being passionate about something he fundamentally believes in. Bear in mind, he has stood as Senator and he supports the role of Senator.

### **2.1.7 Deputy J.H. Young of St. Brelade:**

The Chief Minister has highlighted what I wanted to say is that this attempt here really just categorically fails because it demonstrates how trying to achieve voter equity and improvement, while retaining Senators is just simply illusory. When I saw the numbers set out, the ranges of between representation of 1,549 in District 5 to 2,564 in my district, District 6, St. Brelade, that is just such an incredible range that I just cannot see how that could be done. But of course I can understand the Chief Minister has made the point, what the Senator has tried to do is to add in and keep the Senators and find a way. But frankly I think it just absolutely fails. Of course, on those numbers, what the Senator also does is he says he does not even want to have a Boundaries Commission to get the boundaries right. So he is just shutting the door. His amendment, and looking at the west district here, and I am looking at the numbers here, obviously for the first time, I do not think I have seen it before, proposals to put the urban Parish of St. Brelade, the Parish of St. Peter, which is mixed suburban and rural, and a rural Parish of St. Ouen, together. At the moment those Parishes, St. Brelade has 3, St. Ouen has one, and St. Peter has one Deputy. Under this arrangement they would only get 4 district reps and of course St. Brelade would lose a Deputy, and it would have to rely on a share of the 3 Constables in a completely different area, and one and a bit of one Senator. I cannot see residents of the west district where the predominant population is going for that. So I have probably misspoken really because I do not want anybody to think that it is just Reform who really cannot see this works at all, so there we are. I am trying to be fair but those numbers just completely floor it, I am afraid.

### **The Bailiff:**

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

### **2.1.8 Senator L.J. Farnham:**

Thank goodness that is over. So let us go through the speakers. I will save that bit to the end. Deputy Ahier talked about the numbers and he mentioned St. Saviour and Grouville. Can I just ask everybody to have a look at the map, forget Constables, forget Senators, for just one minute and look at the map and see how it is divided. So currently there are 5 Deputies in St. Saviour over 3 districts and one Deputy in St. Martin. So he is correct, depending on where you are in St. Martin you can vote for one Deputy. In St. Saviour Districts 1 and 2 you can vote for 2 Deputies. In St. Saviour District 3 you can vote for one Deputy. So, collectively, they have 6 Deputies but they can vote for much lower numbers. But under this they have 4 Deputies. So technically the area has less Deputies but actually the removal of Senators takes another 8 votes off of everybody in those districts. So you could argue there would be less Deputies in the district.

[10:30]



You could, if you do the figures, you will find the voter equity is improved slightly between what it is now in the individual districts. But I take the point. Deputy Southern again says he sees no reason for having 3 levels of representation. I will explain it again, we have 3 types of representative because we have one Assembly, unicameral system. People can ignore it because they might not like it but the rationale behind it and the reasoning behind it, if people did the research back to the Electoral Commission in 1947 and 1948, they would learn quite a lot about it. We have the 3 levels of representation because we are a unicameral system; it is to provide balance between district representation, Parish representation and the whole Island representation. We talked about election of Ministers and Chief Ministers and it is not in Standing Orders but it is always likely that the Chief Minister will be elected from the ranks of Senators. But that is not necessarily a bad thing because you are not compromised by district or constituency issues. That might not be an issue if you are representing a constituency with 60,000 or 70,000 voters, but in Jersey it is completely different. I note Deputy Tadier's comments but I just fail to see how this is offensive. I might be a lot of things, but I try not to be offensive. This is me being passionate about my views on the Island-wide mandate. One of the reasons I get out of bed every day is because of my love of politics and representing the Island. This is not an attempt to be offensive and I regret the Deputy felt it necessary to make that remark. I did not say we should ignore international guidelines, as Deputy Ward suggested. I said we should always note international guidelines. In some instances we do not only follow them to the letter, we lead the world in them in the way we regulate certain aspects of our Island and our economy. But what I did say is, given our unique circumstances in Jersey, when you look at our history and our culture and the makeup of this Island, we should be guided by international guidelines on electoral reform but we do not necessarily have to be bound by them, just to clear that up. Senator Mézec was critical of the fact that I did not discuss this with Members, although I was seeking a compromise. I said before it was impossible given the short notice of the P.P.C. Proposition, which did also not consult with Members. There was just no time to do the consultation. Senator Mézec was also critical of the fact that certain voters in the districts in this amendment were located significantly far apart in the Island. Yes, I accept that, but then of course I am glancing at District 8 now of the Privileges and Procedures Proposition, which suggests that St. John and St. Lawrence and Trinity are linked. So just roughly looking at the map we are going to have somebody living at Bel Royal being represented by somebody on the North Coast. So I think that comment conveniently failed to take into account the geographical distances in the Proposition of the Privileges and Procedures Committee. I thank the Chief Minister for his comments. I know we disagree. We agree on the Island-wide mandate and I understand his point about super-constituencies. I prefer the Parish system. What I have done here, in an attempt to give Members another option and perhaps in a thought-provoking way, presented this amendment in good faith with the relevant facts and figures. Although this might only mean that 72 per cent of the electorate fall inside international guidelines, in many circumstances it does improve that figure over what we have now. I thank all Members for contributing and for their forbearance in my bringing back this amendment. Deputy Ahier, astutely doing his homework, recognised it was very similar to an amendment I brought to P.133/2016, which was debated on 2nd and 3rd February, or 1st and 2nd of February, I cannot remember, 2017. It was not just similar; it is an identical amendment to that I brought against a proposition on super-constituencies presented by former Deputy Andrew Lewis. At that time, this amendment was approved by 28 votes to 16. Many of the Members that are in the Assembly now voted for it. Clearly the thinking has moved on. But nevertheless I make the Proposition in good faith, not to cause offence, but to open the debate and give Members more choice in this important decision-making.

#### **The Bailiff:**

I ask the Greffier to place a voting link into the chat. The link is there and I open the voting and ask Members to cast their votes. The vote has vanished from the system this end, so what I am going to do is formally close the voting but without taking the vote and we will put in another link and we will open the voting again. Anyone who has felt the need to vote in the chat, because they could not

vote in the link, would they vote in the chat again after the link has been posted. We will only count those in the chat that fall below the link that is being put in.

**Deputy J.H. Young:**

I think there may be a technical problem because I got a very strange message when I clicked on to the chat, but I will do as you say and see if it works this time.

**The Bailiff:**

Let us see if it does, but, if not, then I did note that you voted in the chat on the last occasion, Deputy Young, so it could well be that there is not going to be a difficulty in doing so again if necessary. Let us put another link up. I now open the voting and invite Members to cast their votes. If they need to do so in the chat, use the link if possible please, but voting is open. Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Amendment has been defeated.

<b>POUR: 3</b>		<b>CONTRE: 41</b>		<b>ABSTAIN: 1</b>
Senator I.J. Gorst		Senator J.A.N. Le Fondré		Senator S.C. Ferguson
Senator L.J. Farnham		Senator T.A. Vallois		
Connétable of St. Lawrence		Senator K.L. Moore		
		Senator S.Y. Mézec		
		Connétable of St. Helier		
		Connétable of St. Brelade		
		Connétable of Grouville		
		Connétable of St. John		
		Connétable of Trinity		
		Connétable of St. Peter		
		Connétable of St. Mary		
		Connétable of St. Martin		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		
		Deputy M.R. Higgins (H)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B.E. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy of St. John		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		

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

**The Greffier of the States:**

Those Members who voted pour were: Senator Farnham, Senator Gorst and the Constable of St. Lawrence. The abstention was Senator Ferguson.

**Senator L.J. Farnham:**

Can I thank Members once again and say I did better than I thought I would?

**2.2 Composition and Election of the States: Proposed Changes (P.139/2020) - seventh amendment (P.139/2020 Amd.(7))**

**The Bailiff:**

The next amendment has been lodged by Senator Le Fondré and I ask the Greffier to read that amendment.

**The Greffier of the States:**

Page 2, paragraph (a) - Delete paragraph (a) and substitute with the following paragraph: “(a) to agree that it should establish an Assembly of 53 Members, comprising 8 Senators, 12 Connétables and 33 Deputies, with the existing disposition of Deputies being supplemented as follows: (i) one additional Deputy in St. Helier District No. 1; (ii) one additional Deputy in St. Helier Districts Nos. 3 and 4; (iii) one additional Deputy in St. Clement; and (iv) one additional Deputy in St. Brelade District No. 2.” (2) Page 3, paragraph (b) - Delete paragraph (b) and substitute with the following new paragraph: “(b) that the Privileges and Procedures Committee should institute an independent process for periodic review of the boundaries of districts within Parishes so that, as far as possible, the districts within a Parish each contain the same numbers of people, with a view to bringing forward amendments to the States of Jersey Law 2005 to change district boundaries in line with the recommendations of this work”. (3) Page 3, paragraph (c) - Delete the words: “and create an independent Boundaries Commission”.

**2.2.1 Senator J.A.N. Le Fondré:**

I start with some slight trepidation after the last debate but let us see where we go. I am going to start this, as I said earlier, probably yesterday, and I am going to refer to some of the comments of the Comité des Connétables as we go through this. It is the fact that the Attorney General has specifically said about Article 3 of the First Protocol of the E.C.H.R. (European Commission on Human Rights) referred to A3P1: “There is no reason at present to consider the electoral system to the States Assembly would breach the requirements of A3P1.” In other words that is our current system. That is really what we have to bear in mind. Understandably, many Members are very passionate about different categories and this whole subject. I am passionate about the Parish system; other people are very passionate, oddly enough, about numbers, shall we say. We just have to bear in mind that the legal advice we have had from our Law Officers says there is nothing inherently wrong, and when I say “wrong” in terms of human rights compliance, with what our present system is. I will just also say, I know P.P.C. made the comment, I have used the word: “This is a compromise” and they have said: “What compromise?” The point I am trying to make is I have seen so many debates on electoral reform and, as I have said on a number of occasions, I am one of the few that achieved something, which was the general election day in the past. This was meant to be a small step forward. That was my definition of a compromise. It was trying not to get dragged down into the arguments about super-constituencies, do you keep or remove the Senators, do you keep or remove the Constables, do you have a referendum. All of those type of arguments, which we have heard a lot of over the last

few days. So that is what I am trying to do, is just say the fundamental issue, which is right, is that some of what I will refer to as some of the urban Parishes are under-represented with regard to the number of Deputies they have relative to their population. That is all I am trying to address. All I am trying to address is just to do some step forward. It is that kind of evolutionary approach, rather than revolutionary because, in that context, if we have a revolutionary approach, because the choice now is between the P.P.C. proposition unamended, rejecting it, accepting it, or going for this.

[10:45]

I would suggest that if we do not, for example, go for a referendum, we have heard Deputy Labey's comments on referenda, and we remove the Senators, that there will be a significant pushback from members of the population. That has been my take. I will touch on that later. I would just like to address one observation, which was also referred to in the Comité des Connétables' report, which I think is quite a well-balanced set of comments, which referred to the working group I said I would try to put together when we had this debate earlier this year. I went back and looked at the debate, it says how things have changed in the last 8 or 9 months. That debate on electoral reform took place on 10th March. 10th March was the date of our first positive test for COVID and now we are where we are today and obviously, as Members hopefully will appreciate, my attention has been somewhat elsewhere, other than electoral reform, for the last few months. So we did attempt to get the group going again, I think it was just before half-term - I cannot remember the exact dates - when notionally at that point things were slightly quieter. It was done very informally; it was just really to kickstart a conversation because I was acutely aware we had not done anything. Obviously at that point I cannot remember if we were coming up to the Guernsey elections or if we had just had them. While we did not make significant conclusions, we did start talking about some principles. Just identifying certain areas of what would encourage more people to stand? What do you do about, for example - bearing in mind I very much respect and like the representatives - about St. Mary? I have touched on that because this is around what do you do about very small constituencies when you are trying to deal with numbers? Should the Chief Minister have an Island mandate or not? Discuss. There is something I like, which we started some research in, which is what I refer to as the Swiss system. Should you have term limits on Members, who are not Senators, i.e. if you are a Parish representative or a smaller area, whatever it is, should you be restricted to perhaps only standing there for 2 or 3 terms? We did not get to a conclusion on that, but I can confirm that we were able to check that is not against human rights. So there are a whole range of other areas. I will put that out there to say we did start a conversation. But then unfortunately the P.P.C. Proposition was lodged and that effectively curtailed quite a lot of discussions and, to an extent, gave rise to this amendment. That is just by way of background. I make the point, which I will just touch on again about St. Mary. I touched on it yesterday as well. The problem we have on here, and I think it was the Connétable of St. Clement talked about numerical exactitude. I made the comment and I know Senator Mézec picked me up on it in the chat anyway, we are so small as an Island 9 by 5 that very small changes in our numbers skew the percentages quite a lot. So the classic ones I have used in the U.K. (United Kingdom), I have used the example of the Isle of Wight. Obviously, Senator Mézec came back and he said potentially they have had lots of debates about getting 2 representatives instead of the one, but they have 113,000 at the moment for one M.P. (Member of Parliament), whereas the Orkneys have 34,000 and the Outer Hebrides have 21,000, each of those have one M.P. Even if the Isle of Wight decide to go for 2 M.P.s, looking online at the moment, I think it is Bristol West have 99,000, West Ham have 97,000, in other words there is quite a large variation in sizes of large jurisdictions. That is where the reference comes back to guidelines and international guidelines. The point is that our legal adviser is saying that our system is human rights compliant. Also to answer a question, which is straight out of Venice, it says that geographical criterion and administrative or possibly even historical boundaries may be taken into consideration. It does talk about the departure from the norm being 10 or 15 per cent. It certainly should not exceed 15 per cent except in special circumstances, which can include protections of minority, but includes sparsely-populated administrative entity.

That is again the point is that it allows consideration to be taken of exceptions. Whereas what we are trying to do here effectively is do a blanket rule. As I have said, in certain circumstances, if you change some of the figures by even 200 people, which could be a housing estate or certainly 2 housing estates, that can change the results quite considerably. So we have to be very careful about focusing on numbers, particularly at any point in time. What I would like to do, I am just going through my notes and some of the other comments. Just dealing with variations in size, I am plagiarising from the Comité's report because it is more succinctly written than something I will probably say. They make the point in their thing about changes, again this issue around proportionality. They cite whether it is Andorra, whether it is Spain or Canada or Argentina or France. There is no sign of international condemnation on those areas around those differences in size. I have referenced to an extent in the report we produced as well. But then also, which is important, what are we trying to address here? Part of it is, I would suggest, around voter turnout. It was interesting, also from the Comité report, which is worth reminding people, where they refer towards the end of their report around the Opinions and Lifestyle Survey about: "My vote will not change things in Jersey. I do not trust the political system. Could not get to the polling station." They make the comment, which I would agree with, it suggests that simplification of the electoral system will not in itself have the greatest impact on increasing voter turnout. I think that is where there is this panacea being offered that everything will be well and everything will be wonderful in the garden of Jersey if we simplify our system, wreck the Parish system, and essentially disconnect those people who do vote from the basis that they normally use. Without addressing all the other issues, even to the extent of understanding what States Members do and what the responsibility is. COVID has obviously impacted upon that. But that is something we have to do. Now, I will come back to my comments on the amendment. But the other bit, just by way of background, and where I got to in terms of dealing with coming to this suggestion about what we do. I did, in a slightly different guise when I was on Corporate Services, obviously you have to deal with the electoral reform issue, and had a very, very short time to look at it. But we did conduct a MORI poll. I make the point that is a statistically representative sample, it was about 1,000 people that we sampled. We had a very short time to turn it around. I do have to say I place greater credence on that than I do on focus groups because focus groups tend to be quite small numbers. This is done independently and MORI are very, very clear about making sure that it is statistically representative of the Island as far as they can. All I am saying is, for me, there is a whole combination of things that we should be doing, focus groups are fine, but not just by themselves. The Parish Hall run in a proper way and getting information out to the public beforehand, so in a considered way. I will go back to when I very first came into the Assembly under the then Connétable of St. Clement who was on P.P.C. They put a lot of effort into doing a lot of work and trying to get that base position. What I have talked about in the past, and the concern I have today, is that the political system we have, it is not one that is - and I speak as an accountant - just represented by numbers, figures, analysis and dry statistics. It is very clear the public wish to be involved. But it is also that many of the comments I receive are about the uniqueness of Jersey, about its soul, its culture, but people do point to the Parish system and the honorary system. But then they struggle to define it slightly. It is the tincture that differentiates Jersey from, for example, the Isle of Wight. That is the distinction. That oddly enough, to reference the Isle of Wight, I notice in their issues at one point there was a suggestion that, if they were split into 2, one of the constituencies would stretch across the water, I think it is into Hampshire, my geography is not terribly good, but certainly to the county opposite. There was a huge pushback. You think that if people followed the logic, which is the super-constituencies logic, which is they are not connected to their areas, then why would the Isle of Wight not welcome being connected to the mainland? So this goes back to the point about the importance of Parishes in people's psyche, and I will touch on that more. What I will say as well is that on the MORI poll that we ran we had some quite odd results. There were some very obvious ones, which was 58 per cent of 1,030 people wanted to keep Senators in the States, 65 per cent wanted to keep the Parish Deputies and 55 per cent wanted to keep the Connétables, which is consistent with the last referendum we had. It did get very

confusing thereafter and part of that was because we were dealing with things in a very, very short timeframe. But what was also very odd, and I am going to turn, if I can, to the right page in the MORI poll, was that even when asked, and I just put this out there as information, not necessarily the case: "Do you agree or disagree with the following statement that St. Helier should have more Deputies?" I have the analysis, this is by Parish, and for example only about 32 per cent of those surveyed who were in St. Helier supported having more Deputies. That same sample, in St. Helier, 44 per cent did not want more Deputies. So it is slightly difficult when you talk about this is what the population are demanding, because it depends which bit of the population you listen to. That is why what I have tried - and when I say "I", myself and a couple of people in the group - to put together is something that just starts to move us forward in terms of at least trying to address the significant parts of the malapportionment. All I have done, to be really clear, the first part of this is to add an extra Deputy into St. Brelade, allocate another 2 into St. Clement, and then 2 into St. Helier, one into District 1 and one into District 3/4. It is not solving the problem, let us be very clear, and that is what I have said in the report. It is about trying to improve matters from where we are today and I have been very clear. But the other bit, which Members may not have appreciated, it is what we are debating as well because it is part (b). If people wish I am very happy to take a separate vote on these. One of the discussions we did have is looking at the districts. People do recognise the Parishes they are in and many people will know where their Parish boundaries are. Frankly, I do not think many people will know what Vingtaine the live in or where those boundaries are. What one can do, by working within the districts within Parishes and moving those boundaries, and I suspect by street, but I am not being prescriptive on that at all, one can remove again, or reduce quite significantly, the malapportionment by just changing the boundaries within the districts. If Members look at the report we have done, which is the table at the very, very back, it indicates that if, for example, in St. Brelade, we add one Deputy but basically have 2 districts of 2 Deputies, you can reduce the difference from the average to 2 per cent in both districts. If you do that in St. Saviour by having 5 Deputies - 2, 2 and a one - you can reduce the difference to 4 per cent from where the original suggestion is.

[11:00]

Obviously, St. Helier, again there is a significant improvement. So what I am saying, what I am trying to do, is firstly just allocate 4 Deputies, and I will come to the increase in numbers in a minute, to the areas that initially are the most distorted, it is not meant to be pejorative, from proportional representation. But then to look at the other areas and by changing the districts, and I have given examples. Saying to P.P.C. go away and you do that, but do it in an independent way that requires setting up an independent commission, you can call it what you like. The principle is it is looking at the districts within the Parishes, then you can achieve a lot better results in the percentages that we are all looking for. What it means, on the illustration I have done at the back of the report, it will reduce, in the illustration I have used, of 20 areas there would only be 4 that have a divergence of greater than 15 per cent. The reason I will not change those is because I always tried to take the principle that we do not remove representation from certain areas, which is why I am increasing. Again, on some of those, quite literally a change of 100 or 200 people would make a difference again in the numbers. So I am trying not to focus on percentages and analytical data. I am trying to look at, in the round, where the biggest proportionate issues lie and to address those. So, to cut to the chase, it is 4 extra Deputies and essentially realigning the district boundaries and, actually in terms of proportionality, particularly when you are counting the mass if you strip out St. Mary; that does not mean remove St. Mary, it is just purely from a calculations point of view, that has a significant improvement in terms of calculations relative to where we are. So, really just to conclude, and I am looking at the back of my report, electoral reform has not to date had a great history in this Assembly and I have lost count of the number of propositions that have been brought in some shape or form and that have floundered. All this is about is trying to seek a practical change and, yes, it is an increase in States Members, it is an increase back to 53, which is the number that was in place when

I first started. It addresses the more significant discrepancies as regards proportionality. It does not seek to redraw the entire system. I have said it suggests that proportionality can be further improved by realigning the district boundaries within certain Parishes. That is the starting point. Basically requesting P.P.C. to go away and do that, and the exact words are to institute an independent process that can be whatever P.P.C. do. I was uneasy that it was automatically defined as 4 people from outside of the Island. But that again the flexibility is still with P.P.C. I think really that is all I need to say. It is very clear this amendment is not perfect and I am not going for a perfect plan. For me it is a step forward on the steps of electoral reform, particularly if you look at the district side. I do hope Members will consider it in that light. I will very happily take 2 separate votes between (a) and (b). I think that is sensible. On that basis, I make the amendment.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** Very well, I open the debate.

**2.2.2 Senator S.Y. Mézec:**

I am really taken aback by something that the Chief Minister said towards the end of his speech. He said something along the lines of, if you strip out St. Mary from the figures, the rest of it looks much better. Well yes, if you take out the bad statistics, you are left with the good ones, and does that not look brilliant? I cannot believe we have just been told that. That is such a ridiculous notion. Well, if you just ignore the bad things, the system looks pretty good, does it not? It is unbelievable that in a modern Parliament that sort of statement can be made as if it is rational when it quite clearly is not. The Chief Minister spoke at length about why voter equity is not legally necessary, not politically necessary or morally necessary, all of which is disputable, and I do dispute it. He made all sorts of irrelevant comparisons with the U.K. when our system is nothing like the U.K.'s and nobody is suggesting having a system like the U.K.'s. The comparison is completely invalid. He has clutched all sorts of straws to try to make those points that voter equity is not important. That then begs the question: why is he even bothering with this amendment? He has spoken at length about how voter equity is not important, not necessary, not something legally that we would be compelled to do. But he is going to bring an amendment to try to improve voter equity anyway. Well what is the point? It is either important or it is not. If it is not important and if the current system is so brilliant, then the Chief Minister should not have brought this amendment and should just be voting against P.P.C.'s Proposition because he thinks it is so ill-founded. But he has brought it anyway because some people do realise that the system we currently have is unfair, it is not sustainable. The voices calling for fairness are not going to be silenced, are going to keep going until we end up with a system that is fairer. What the Chief Minister is proposing may well be marginally fairer than what we currently have. The price of that is to increase the number of politicians, which will go down like a cup of cold sick with the public. But by doing that you make marginal progress but it is nowhere near enough. Just looking at the stats here, it is unfathomable why he still leaves St. Helier drastically under-represented in the Assembly. Under his proposal, St. Helier 3 and 4 should not get one extra Deputy, it should get 2, and St. Helier 2 should get an extra Deputy as well, which is left out. That is not dealt with in his amendment. It still leaves the structure broken. It still leaves unfairness rampant. That surely cannot be justified. The point I want to focus on in what I have to say is about the use of this word "compromise", which has come up multiple times in the last day in these debates, about how we need a compromise. That is right, of course we do need a compromise if we are going to move forward. But several of the proposers of amendments, including this one, are not using that word accurately. What they are suggesting is something, in the Chief Minister's case, he has come up with himself, without proper consultation with those who he is meant to be compromising with, to find out if this does meet any of their aspirations. If this is something that a number of people may go: "All right, fair enough, I will go for this since I cannot have what I really want", he has not done that exploratory work, so does not know if this constitutes a compromise in the eyes of the people who he wants to accept that compromise. His starting point to arrive at some sort of compromise does

not work. It is a really bad way of trying to form some sort of compromise. What his starting point is, is he has said he will pander to the Members of the Assembly who think the current system is brilliant, who think it is fine the way it is, no change necessary. Nothing is wrong, it ought to stay as it is. We will build from there. We will tweak it a little bit to get more numbers to fall into that block until we reach a majority. But his problem there is that the number of States Members who think the current system is brilliant and no change whatsoever is necessary are a very, very small block. I would be amazed if there was more than one or 2 States Members who genuinely believe that the current system is brilliant. So if you are going to form a compromise, to have your starting point be the point that panders to literally the smallest group in the Assembly, pragmatically is not a very clever way to go about it. If you want to find a compromise, the starting point is to find the biggest block in the Assembly who are united in some form of principle or some sort of aspiration for change, then find the second-biggest block, and see if you can do something that brings those 2 blocks together. That is how you build compromise and that is what P.P.C. has done. P.P.C. has found what the biggest block in the Assembly is. That block is the 20 Members who voted for their Proposition earlier this year, whose aspiration for electoral reform is simplicity and equity. Then he has looked at what is probably the next-biggest block in the Assembly, which are those Members who want change but for them maintaining the Parish system is fundamental to that change and they will not back a change if it does not preserve the Parish system in that way. P.P.C. have tried to say: "Is there a way of bringing that 20 with their aspiration for simplicity and equity together with the next block, which believe in and want change but want change that accounts for the Parish system in there." Bring those together and see if what you get there can command a majority for enough Members to say: "Yes, I do have confidence this is progress, this is the way forward. This meets some of the aspirations that I have on behalf of the people who elected me." P.P.C.'s Proposition is a genuine attempt at compromise. Senator Le Fondré's proposition is not. What his amendment could be, if it were to have any virtue, is it could be a very, very last-ditch attempt, after all else has failed, perhaps to have it as a standalone proposition in January once every other option has been dispensed with to say: "Okay, we are not going to get any meaningful change. But a slight tweak to the current system to make it fairer is the last option on the table." It could be there for when all else has failed. But all else has not failed yet. We have P.P.C.'s Proposition that has an immense amount of work that has been undertaken behind it to get to that point. If this amendment succeeds, we will not even get the opportunity to debate P.P.C.'s Proposition, it will fall away and we will not know if P.P.C. managed to find that compromise, if they managed to find a model, which meets the aspirations of those who want simplicity and equity, with the aspirations of those who want change based on our system. We will lose that opportunity and that would be a really sad thing for the Assembly and risks us making no progress at all, staying exactly where we are, despite the fact that there is evidence that the public do not have confidence in this system and would want something different. Something fairer, something easier to get to grips with. So that is the main argument I want to make against this amendment. Just the last point I would make is that the Common Strategic Policy, which this Assembly accepted unanimously, which the Chief Minister is the figurehead for, having led the Government that produced it, says in it that one of our aspirations is to move towards an electoral system which meets international best practice. Those are the words that he signed up to and which he has made clear in his speech are not worth the paper they are written on. Because in fact he does not care about international best practice. I am still shocked that something he referred to early on in his speech about having term limits is something he would consider to be on the table. He is somehow suggesting that we can make our system more democratic by banning people from re-electing politicians they like. Come on. Is that really the best they can do, to say we will improve democracy by restricting who people are allowed to vote for when they may be popular in their district and the people may want them to carry on. It really I think portrays a complete lack of understanding of democracy and how this Parliament is meant to be a representative Chamber of the people to make decisions in line with what their aspirations are.



[11:15]

You do that by having a fairer and simpler system and in Jersey's special case to say that some of that has to be based on the Parishes because they are the basis of a significant part of Island life anyway. So, if I could provoke the Chief Minister to make some sort of response in his closing speech. I want him to answer this question: does he believe in equality? Does he believe that the people who live next door to me in St. Helier deserve to have a say in the running of our Island affairs, which is equal to the people who live next door to him in St. Lawrence? Because everything he said in his opening indicates that he does not think that is necessary. That for people in St. Helier, where I am sat right now, there are hundreds of new homes, which have planning permission to be built, there is the Gas Works site, there is the Le Masurier site by the Odeon, there is the old Play.com warehouse. This area is about to have hundreds of people put into it who, under his proposal, will not get any extra representation in the Assembly. That is clearly unfair. How does he justify that to those people who are his constituents as well that he is prepared, not just to tolerate, but to champion an electoral system, which treats them as second-class citizens? It is unconscionable for a political leader in my view, and I urge Members to reject this amendment. Let us get to the debate on P.P.C.'s Proposition, which is a genuine compromise designed to bring us together to move forward and not pander to the smallest groups who are not interested in progress.

### **2.2.3 Deputy M. Tadier:**

What a great speech by Senator Mézec. He really has got the ability to dissect an issue and get right to the heart of it, as well as being an excellent orator. I agree with everything that he said. I am not going to be so harsh on the Chief Minister because the point that Senator Mézec did make in one part of his speech that this would be an okay proposal if it were literally the last-gasp saloon. So if all other electoral reform had not got through and there was no chance of a proper thought-out, simplified and fairer system being brought in, this might be something you do simply to tweak. Frankly, this is something that we should have been doing historically anyway. The evolution that has happened in our system has happened far too slow. The addition of seats in St. Helier, I think it started off from 3, then went to 6, and then it was added to over time. The same in St. Brelade and some of the other districts. It has been too little and often too late. But that is not where we are at yet and so I do not think the Chief Minister can be let off the hook. Similar to Senator Mézec, I was surprised about the talk of these exemptions. Just a little story, I do not know if I told you, but I have been doing a bronze badge guide tour, which started in February, an exam, which includes theory and a couple of practical exams. I just finished it last Sunday where 12 of us took part in a coach tour around the Island and we had to do our practical exam. Did you know that I got 100 per cent in my exam, in all of the questions? To be fair, I did get the first question wrong. That was a particularly tough one. I got the fifth question wrong and I also got question 10 wrong, which was quite an obscure one about some kind of conglomerate that you find in Rozel in terms of geology. But nonetheless, if you exclude those 3 questions, because they were outliers, then I got 100 per cent in my exam and I am really proud of that and I hope to get a glowing report from that. So it is quite convenient if we just say: "Do not worry about St. Mary, do not worry about all these other things, which are inconvenient, because apart from that the system is perfect." It is great to be able to overlook those flaws in one's own argument. Of course the Chief Minister talks about the U.K. and says: "The Isle of Wight is much smaller", and probably cites somewhere in Scotland in one of the outlying areas. Those are 2 examples in a country, a vast country, which has 650 seats altogether. The starting point is one that they should have, as far as possible, equal-sized constituencies. We do not have that and we have never had that principle. If we did have a district in Jersey such as the Minquiers or the Ecréhous where there was a population and a historic constituency that had existed for a long time, we might well have a carve-out for that. But the Isle of Wight, it is not attached to the mainland, but last time I looked St. Mary was attached to the rest of Jersey. I drove there not so long ago and I had a really good walk around there during lockdown for my 2 hours. I am pretty sure it is joined to St. John and St. Ouen on one side and it is joined up to the rest of Jersey. So there is absolutely no problem about

coming together with a super-constituency. St. Mary comes together with other constituencies every 4 years for the Senatorial elections and they manage to vote in that. So St. Mary is not an outlier and it is not a reason to hold the rest of the Island to ransom in terms of equality of votes. Human rights compliant is not the same as fairness. Quite frankly, you can get lots of different opinions and legal advice, especially if you go to your own legal adviser. I am not suggesting that the legal advice is wrong, but it is an opinion. But that is not the same as fairness. We do not need international obligations, which we can and do break, to tell us what is inherently just and fair. One of the arguments we often hear on other issues from conservatives, would-be liberal conservatives, is that they agree with equality of opportunity but not equality of outcome. Our system does not even give equality of opportunity to the voter. It says: "We are not going to give you equality of opportunity, and certainly you will not get equality of outcome." I know Senator Le Fondré will say that his improves that. But we have something much better on the table. I said in a previous debate that the current system must be okay, must it not, because I got elected under it. We all got elected under this current system so it must work really well. This must be *le meilleur du monde* in terms of what is available. But I think that simplicity is important to the electorate. Einstein said: "Make things as simple as possible and no more simple." We can boil democracy down to fairness and a simple system. Senator Le Fondré, I think he has lived abroad like I have. I know previously, he may not have mentioned it now, but he has talked about the Swiss model, which is very complicated, also not helped by the fact that they have so many referenda on all sorts of issues, which you could say is direct democracy. But, on average, less than half of registered Swiss voters go to the polls. That is certainly the case in 2018. They are not really a model democracy in that sense, so you could hold them up saying that. But they have a very complicated system and they have relatively very low turnouts for Europe. Probably ones that may be comparable with Jersey. I heard the Constable of St. Martin yesterday saying: "But my parishioners are very intelligent." Well, yes, I mean I think everyone's constituents are probably the most intelligent on the Island. I think the ones in La Moye and Les Quennevais are very intelligent, maybe even more intelligent than the ones in St. Martin. But that is because we think that people understand the system because we work and live in the system. We understand it and some of the foibles and idiosyncrasies of it we kind of cherish. But that is not necessarily the view of the public, especially the non-voting public. These different classes of Member, they must baffle people in the Island. They must baffle newcomers. We get some very intelligent people come to our Island to become doctors, nurses, to work in finance, to work in law, to work in education, and to do many of the other important jobs in the Island. These are educated people often. They choose not to vote in our system because it is very complicated, I would suggest. I still get letters from the Government of Jersey, which are addressed to me calling me "Senator Tadier". I really like that when that happens because it is usually when I have a cheque coming through for something that I am entitled to claim money back for, which is very rare, but certainly with my I.T. (information technology) provision I know I am getting a cheque in the post to help pay for my laptop. So I am really happy to be called "Senator" in that respect. But I know others might not be so pleased if they are called "Deputy" when they are a grand Senator themselves. I have also had people who know about politics saying to me: "I have heard that you are no longer in the States because you have resigned." "No, I am still a States Member. I have just resigned my ministerial position." So we cannot presume that everybody knows as much as we do about politics, nor that they cherish this very strange and convoluted system that we have. Of course the points about making voting simpler are valid. We should have polling stations where the majority of the public live in any one Parish or constituency. It still baffles me why there is not a polling station at Le Marais, around there at the school at Le Squez. St. Clement should probably have 2 polling stations, one at the Parish Hall and one at Le Squez, where the majority of the people live. A cynic would say that is deliberate because they do not want people in Le Squez and Le Marais voting because they do not vote the right way, if they vote at all. But that is not necessarily what I would say. So this is the time for change. In the same way that we need to combat income inequality in the Island, we need to look at voter poverty and try to address it properly. Try to address the root causes. What is on offer, I

want to look at P.P.C.'s unamended version to be able to at least give that a go today and not have to use this position, which should be at best a fallback position, but again which others might see as a last-ditch wrecking motion attempt. Because it has never come forward before, has it? If it is such a good idea to do this, why was it not done before any of this was on the table? So I do ask Members to reject this for all or some of the reasons that I have outlined here.

#### **2.2.4 Senator S.C. Ferguson:**

I said I was not going to speak again, but I really could not resist correcting, with great respect, Senator Mézec. The variable boundaries that a lot of these amendments have, they are valued by politicians because it is also used by politicians to make politically-controlled boundaries. The U.K. boundaries should have been adjusted at the last assessment but the Labour Party refused to change them because it would favour the Conservatives. Do we really want our boundaries to change position like the tides? We must stick to the Parish boundaries because we are very proud of our Parishes. I live in God's own Parish, so I am very sorry for everybody else. But, anyway, please, these variable boundaries are fraught to all sorts of gerrymandering.

#### **The Bailiff:**

Senator Mézec, you have a point of clarification for Senator Ferguson. Do you give way for clarification, Senator Ferguson?

#### **Senator S.C. Ferguson:**

Yes, but I usually base my considerations on facts.

#### **The Bailiff:**

Senator Mézec, your point of clarification?

#### **Senator S.Y. Mézec:**

Hopefully, I am offering her an opportunity to demonstrate that is the case. She referred to boundaries changing and an example in the U.K. of one political party blocking change because it did not suit them. Could she clarify her understanding of P.P.C.'s Proposition, which says the Boundaries Commission will be independent?

[11:30]

#### **Senator S.C. Ferguson:**

Well it is in England but it has to be approved by the Parliament. I will dig out the details and circulate Members to support my understanding.

#### **2.2.5 Deputy R. Labey of St. Helier:**

I thought the title of God's own Parish had already been taken by St. Clement I say to Senator Ferguson. The trouble with God's own Parish is it is cruelly under-represented, which is something that the main Proposition, unamended, will put to right. I am not going to be harsh on the Chief Minister too, and I am grateful for his amendment because it is good to see him coming forward with what he thinks is the right option. I reject it entirely, especially part (a). It inhabits a world in which the last 20 years never happened. But I thank him. I know he wanted to do a working party, then COVID came, and he was not able to and so he has presented an immaculate proposition in terms of the work he has done on it and the mathematics and we are grateful. Whatever happens, we are all going to have to get together and work together to make things work. Part (b) is what I want to speak about very briefly and it is the Boundaries Commission. That is a direct recommendation from the C.P.A. (Commonwealth Parliamentary Association) E.O.M. (Election Observation Mission), who say: "It is good international practice that the distribution of seats to constituencies be undertaken in a transparent and consistent procedure established by law and that boundaries of election

constituencies are regularly reviewed to reflect demographic changes. This is currently not the case with regard to Deputies' constituencies." So they go on to make a recommendation that we should set up a Boundaries Commission, which is what is in the main Proposition as Article (b). I just wanted to explain that, if the main Proposition were to be approved today, we would get the legislation back as soon as possible and the Constables' boundaries of course are enshrined in law and they will not change. That is that. But the Deputies' ones, it is a good idea to keep an eye on the demographics, on the population sizes, and that is what this is for. It is also, as the recommendation states, good that this is independent. What I think Senator Le Fondré is suggesting is that we do not need a body that is there permanently; that we can just decide when we need to have that looked at and then put it together for that. That is again the wrong thing today because it is politicians making a decision about their own constituencies maybe needing to be looked at in terms of the boundaries. What we want to do is divorce that from politicians. Have the body set up so that it does not need to meet every month, it might not even need to meet every year, but just before elections. But we want to set that up so that the body is taking care of that. It does not have to be politicians saying: "Hey, look, my constituency needs more people because I have just had a housing estate built." That is important. Also it is good for a small jurisdiction like ours, and any jurisdiction, to also demonstrate impartiality and independence by asking qualified people from another jurisdiction for their assistance, for their help, for their advice, and to be part of it. The Royal Court does it with Appeal Court judges. We do it in planning all the time, very regularly, with planning inspectors from the U.K. So that it looks to the population here like it is an independent look at it. Because you know what I got, and Deputy Wickenden and Deputy Alves, when we started putting these proposals forward to people: "Oh, 3 St. Helier Deputies", and all that. It is to end all that. So I am pleased that Senator Le Fondré recognised there is an importance that this role needs to be undertaken, but on advice that we have taken the solution that has been put into the main Proposition is preferable to the one that Senator Le Fondré is advancing.

#### **2.2.6 Connétable J. Le Bailly of St. Mary:**

Last year, on behalf of Jersey, I had the privilege to visit the Falkland Islands, 2 islands the size of Wales in the South Atlantic. The purpose of the visit was to form a Public Accounts Committee for their Legislative Assembly. This was very successfully done with the help of 2 other C.P.A. secretaries from Westminster. The Falklands have 8 Members of Government for a population of 4,000 people. One Member looks after West Falklands, which is half the size of Wales, with only 150 people. The other 7 look after East Falkland Island, with a population of 3,850 people, all averaging 550 people per Member. I just bring these facts in order to draw people's attention that we are not the only Government flying the British flag, which has a disparity in their representation, but also does not cause a problem. I will be supporting Senator Le Fondré's Proposition.

#### **2.2.7 Deputy G.C. Guida of St. Lawrence:**

I beg the Chamber take patience. I will cover a few issues. I promise then to move on to wine and scientific experiments. We have been talking about international guidelines and whether they apply to us or not. Of course when other people think about how this should work, we should pay attention, this is quite important. However, we do have to be careful about just following that. We talked yesterday about Venezuela. They do follow international guidelines. Their electoral system is very, very good. But is it more important to have something that works or something that looks good? We have also talked about the outliers in terms of representativity. Unfortunately, pretty much every country in the world does have a couple of constituencies where there is a representativity issue. Australia is extremely interesting because they have been unbelievably careful in dividing their constituencies. They are within a couple of per cent of each other, it is extraordinary, it is absolutely unique in the world, except for Tasmania. You go into Tasmania and all of a sudden it is 40 per cent less or 40 per cent more depending on how you look at it. But there was no other way to have a proper representativity of an outlying island with different principles and a different community. So

France is fascinating. France has a massive, massive spread between constituencies. It is between 60,000 to 130,000, unless you take Saint-Pierre-et-Miquelon into account that is 5,000 people for one Deputy. Of course we have the Orkneys and the Outer Hebrides. It is probably a stretch to compare St. Mary with the Outer Hebrides but it is not completely unreasonable to consider that there will be exceptions and that it would be sad to strip St. Mary of a Deputy or a Constable. Now, I do not have much interest in politics. I happen to be in this Chamber because I hoped to, in a small way, help manage the Island. I hoped I could help to manage the Island for the people and according to the will of the people. So I pay attention to what they say. But I am not terribly interested in political systems. I only read *L'Esprit des Lois* because I was forced to by a professor. I read the Clothier report because really I was forced to. However, what I remember of it is that it said that Jersey was a little bit too democratic. That we put too much emphasis on the voice of everybody and that it would help a lot, for example, to have a ministerial government where strong people could take decisions for everybody without having to consult them. That is what I get from the Clothier report and it is funny how other people read it completely differently. From the Venice Commission report, which again I was forced to read, I really did not enjoy it, I get that, yes, statistics and percentages are important. But there are so many exceptions that you must take into account. Well, yes, we can take it into account, exceptions. Now, interest in politics, again I know very little about that. It is not my passion. I do not dream about it. But some people here do. I understand that because I do have an analogy. Twenty years ago I was managing a vineyard and when you make wine you are very aware of something called concur bias. Basically that is to a professional, if you do nothing else than your job, if you are passionate about your job, you tend to look at it differently than the rest of the world. What happened to wine makers is that they were so into it that they were looking at very, very little differences, things that the public would not be terribly interested in. You go into competitions and people will go: "Oh my God, look at the legs on this glass. They are crawling out of the glass. It is incredible. It is extraordinary. How did you manage that? How did you manage to get chrysanthemum smell out of syrup? How did you manage to get tar out of mellow? This is extraordinary." We would felicitate each other. We would congratulate each other on an extraordinary thing that we managed to do with our wine. Now, there is a problem with this. The stuff was undrinkable. It was just too extreme to use. One of our wine shops had a Monday tasting. So, as of Monday, they would gather all the samples sent by the vineyards, they get tonnes and tonnes of free samples, and they would have a big party with all the staff. All the staff were professionals. They tasted wine all the time. What they make them do is that they opened all the bottles, people were free to taste stuff and make notes. After all the staff had left they would discard the notes and look at the bottles. Whichever bottles were the emptier they would order. Because you want people to drink the wine; you do not want for it to be celebrated as an extraordinary work of art; you want it to be drunk. Now something similar is happening here. We need change. We have this massive clamour that the population has had enough, they all want it, we are desperate for change. They want a revolution. We are this far away from torches and pitchforks outside of the Assembly. This is interesting. Now, unfortunately, like most of the Government, we have not had much time to look at this. We think that it is quite important and it is something that needs to be solved. There have been a few important pieces of work and crises. So I did not have much time to look at it. However, what I did is that I went on Facebook, because yesterday night this debate was on T.V. (television). We got 5 minutes of T.V., which is quite a lot. There was an interview. The whole population knows that this is happening. So what happened on Facebook? Well, ITV, by this morning, the article on electoral reform got 4 emojis and one comment. That is how desperate the population is. Oh, yes, yes, this is going on, click, 5 of them. But you say: "ITV is just the general population, what about the aficionados?" Okay, Politics Jersey, 10 emojis, 17 comments. That is the aficionados. That is the people who are very interested in politics. What about the activists? What about the guys who live for politics? Jersey Action Group, that was quite difficult. I went through the articles. Jersey Action Group is very active, they really like politics and they write all the time about politics. But I had to scroll quite a while, COVID, Minister for Children and Housing, glyphosate, COVID, COVID,

COVID, Government Plan, that is interesting, COVID, COVID, COVID, COVID, COVID, Fort Regent, COVID, St. Helier Roads Committee, hospital, an interesting subject, COVID, COVID, oral questions in the States. That made an article. Government officers, COVID. I had to search for it, it was just too long, I had to search for it.

[11:45]

I did find a nice article by Rob Duhamel, which gathered 8 likes and 12 comments, all of which disagreed. So that is in the last 10 days, the interest that people have taken to this debate. That really does not sound to me like something that people are absolutely desperate for. I would really not see it like that. Let us go to the *Bailiwick Express*. Nothing. I searched; I could not find anything. I am sure they are a very, very good publication and I am sure that they have covered it somewhere, but not in the last 2 days. I go to *J.E.P. (Jersey Evening Post)*. Yes, the *J.E.P.* had a fantastic really important debate on recovered patients in the hospital. By this morning, one hour after it was posted, this got 260 posts and that was still growing when I left. That is the sort of thing people are really interested in. Of course unfortunately it was beaten to the post of *Housewives of Jersey* which got 269 emojis and 278 comments by the time I left the house this morning. So, yes, we need to work on representation, yes, we need to work on uncontested elections; but there is not this immense appetite of the population for it. We see it here like that because it is our hobby. We want the whole train set. The rest of the population is not really bothered. Another thing: revolution versus evolution. When you do a scientific experiment it is very important to change one parameter at a time. For those who do not know about science and the laws of physics there is another example; if you are trying to refine a recipe for biscuits, for example, you change one ingredient at a time. You do not go and say: "Okay, we will swap butter for suet, we will swap flour for quinoa, we will swap sugar for salt and see what that does." You change one ingredient and see whether you have an improvement, otherwise you have no idea what was an improvement and what was not. There is a very famous quote, in 1972 Nixon met Mao Zedong and of course they did not have much in common to talk about. So Nixon, knowing that of course Mao was a communist, said: "Well, what do you think about the French Revolution? Is it an example for you?" Mao Zedong said: "It is very early to tell." That is true, when you change everything when you have a revolution things change so much that it is impossible to decide what went right and what went wrong. In this particular case what we have here is an evolutionary amendment. It is 2 things; the first thing - and that is important - is a promise. Yes, we recognise that representation is important and, yes, we recognise that uncontested elections are a problem. Now, how do you fix that progressively to make sure that you can check whether the changes are positive or negative? By just adding a few Deputies to the mix as it is now we can reduce the spread dramatically. I argued about smaller constituencies; I think it is one of the qualities of Jersey and we really need to work on this, we need to work with them to play to our strengths. If we made smaller constituencies in St. Helier we can reduce the spread even further. We can make a real improvement very, very quickly in a way that is not a radical change, and then we can look at uncontested elections. So, yes, there are many, many parameters there that we can look at and we should decide on a few, the ones that we think as an Assembly are the most important. But this Proposition does that. It is promise with a firm deposit. We promise the Government will look at this with the Assembly and will try to sort out those things as best we can. The deposit is that we change districts a little bit and add a few Deputies to make the figures much, much better, and we will keep looking at representation. Now, a few people disagree about the idea of adding Deputies to the Assembly. We used to have 53 people in the Assembly; there is no reason we should not again. I will give you just a quick example. We are desperate for more people in the Government and I am sure that Scrutiny is desperate for more people in Scrutiny. How much better would this term have worked out if we had a Minister or an Assistant Minister completely dedicated to the hospital, somebody with absolutely nothing else to do in their life than make sure the hospital was done the best way possible? What about having a Minister or an Assistant Minister completely dedicated to the climate emergency and doing nothing else but getting this on the way? What about dedicating a

Minister or an Assistant Minister to the Island Plan and making sure that this works completely? These are the things that we would have wished for for the Assembly, and that we can wish for for the next. So, again, if you want an evolution, a gentle evolution that goes in the right direction, that does not destroy anything, please vote for this amendment.

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

The Chief Minister in his speech started off by setting up what I think is called a false dichotomy; he said that some people in the Assembly care about the Parishes and others care about the numbers. When he mentioned the numbers he said it in a slightly dismissive way as if to say of course it is far more important that we care about the Parishes. I would say to the Chief Minister that I care about both. I care about the Parishes and the Parish system and I do not believe that the P.P.C.'s Proposition unamended will prevent the Parish system from flourishing. But I do care about the numbers. I care that - as I have said in a couple of my other speeches and has been picked up by other Members - that our current system is gerrymandered. Your vote counts for more depending on where you live in Jersey, and in the 21st century that cannot be right. We have had a succession of States Members so far in this debate standing up to defend an untenable and undemocratic system. We even heard from the Constable of St. Mary that they do things differently in the Falkland Islands, let us model ourselves on them. I doubt that. I sat next to a Falkland Island's M.P. and in fact invited her into the Town Hall to meet some of our veterans, and I am pretty sure they are not satisfied with the lack of voter equity in that jurisdiction. We are going to hear other Members trying to make us care less about the fact that we do not fit in with best practice for our democracy. One Member - and I do not know whether it was the Chief Minister or the Deputy Chief Minister - they said: "Well we do financial services really well and we keep coming out on top with that." Well that is great, let us continue to come out top with financial services, but when it comes to democratic representation let us be happy to compare ourselves with the Falkland Islands or the Isle of Wight. This is very sad; it is very unnecessary. I must say I begin to feel, when listening to Deputy Guida just now saying we need to work on representation, let us just have an evolutionary approach and let us come back to this in half a dozen years' time, and I feel I have fallen into a time warp and my fellow Members of the States are arguing against giving votes to women. After all, this only would have happened a century and a bit ago and I can just imagine all the Members standing across ... they would have been a different class of Member then, there still would have been the Constables. I am sure some of them would have argued vociferously against giving votes to women, all kinds of good arguments would have been advanced by Members. Of course finally it went through because it went through in the U.K. Senator Mézec I thought made a really important point and he pointed out that in St. Helier there are thousands of new homes on the drawing board and many now being delivered, and of course that is a good thing and it is right that St. Helier is taking the lion's share of development because it protects the rest of the Island from development, it protects our precious rural Parishes and our coastal areas. It is much better for St. Helier because we have families living here and adding to the vibrancy of St. Helier, it of course reduces the need for the travel; all kinds of good reasons why St. Helier should be the focus of development. But I give this warning to the States: if this amendment goes through and Members are content for St. Helier in particular to be unfairly represented in terms of the political power being given to all these new inhabitants of Jersey then I will come back very soon and ask for the extra seats in the Deputy districts because we must be fairly represented, particularly given that we are taking all of these new residents of Jersey. It is quite wrong for Members to be content that the new residents of St. Helier will have less power at the ballot box because they live in St. Helier. That is my warning; I urge Members not to accept this amendment because it is seductive but it is quite wrong, it is undemocratic and it will not be the last word on the matter.

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

I appreciate that much has been contributed by other Members so I would like to make some points, which I do not believe have been addressed in quite the same way. I would initially compliment the

Chief Minister on what I see as a pragmatic and sensible approach which strikes a compromise by contributing towards the malapportionment assertions, which are the result of increased population centres, as mentioned by the previous speaker particularly in St. Helier. In saying this, I do believe that the malapportionment is overdone. Most Members will be aware that as States Members we get approaches from all areas of the Island and respond in the best way we can, and I am sure none of us would shirk from that duty. I, like others, have attended C.P.A. conferences regarding election process and I, as others are, am an official observer so have heard from the horses' mouths - if I can use that term - what the views are on our existing system and indeed systems in other jurisdictions, islands and countries. My interpretation is that many will say that our system is not as broken as some might allege. The word I have heard is that you have a well-proven system, which most are happy with, so why change it. It is often said that our system has shortcomings but I suggest that other jurisdictions have as many, if not more. I certainly do not understand the English system; I have no need to. The French system is yet different but I have no need to understand it. The Belgian system is such that it sometimes results in a Government being elected but not always. The additional challenge of language is their largest issue. Our system is well-understood by those who vote in Jersey and I believe that we change it at our peril. I agree with the revised paragraph (b) because I see no advantage in appointing yet another expensive board or commission to tell us what we already know. It is - as the Chief Minister suggests - for P.P.C. to instigate an independent review if it considers it necessary. I must admit to having a jaundiced view of the C.P.A. representatives that attended at our last election. I found them unpleasant and it was perfectly clear they did not like Jersey or anything about us and I think that was reflected in their ultimate report. My final point is that we seem in our election process to be ignoring what is going on in other places. We saw a process take place in Guernsey and in the U.S.A. (United States of America); there seems no doubt that pre-voting by post played a significant part in those elections. Given that this contributed to the increase in voters voting I suggest we must do better with this. We must do better with our pre-poll voting and make it much easier to vote, wherever your district might be. It is our duty to do this. It is more people voting that we need, and all that is being proposed by P.P.C. will, I fear, have a negative effect on voter numbers. This amendment will not deter voters but it is supportable. In addition we have apps now. I was told yesterday I need to wear a mask. What are we doing to embrace technology, is my question. I will support this amendment and I thank the Chief Minister for bringing it. I note that Deputy Tadier has a point of clarification and I am happy to give way to him.

**Deputy M. Tadier:**

That is kind of the Constable. It is just he said that he had concerns and made an allegation about the C.P.A. observers.

[12:00]

Has he raised those concerns with the C.P.A.?

**The Connétable of St. Brelade:**

Yes, indeed I did comment on that at a visit subsequent to the elections and it was discussed in a sensible way, and clearly every election observer will have a different view on a jurisdiction. But for my part, and I can only say personally, I felt that they did not appreciate the Island in any shape or form and, as I suggested earlier, it showed in their report.

**2.2.10 Deputy D. Johnson of St. Mary:**

I would like to focus on the main thrust of the amendment, which relates to the retention of Senators. In my humble view, the Assembly of the day made a grave mistake some years ago in reducing the number of Senators from 12 to 8. Up until that time the electorate of the Island as a whole could be reasonably confident that people elected as Senator would be the presidents or later the Ministers of



the appropriate department and, as such, they were voting for someone who would have a real say in Government. Compare that with the situation today. We have 8 Senators and as of today literally only 4 of those hold a ministerial position, for whatever reason. I submit that we need to go back to the situation where the electorate can be assured that the 8 Senators elected will hold high office, and to that end I would hope that the Senators when seeking election would make their positions clear. I well recall that in the election of, I think, 2014 the former Deputy Andrew Green standing as Senator for the first time made that his sole focus so he could stand for the Minister for Health, and so it came to pass that he did. I think there is great merit in candidates putting forward their aspirations at the time of election and in doing so the Island electorate will have more confidence in the fact that they are being listened to. Taking the original proposition as unamended, various people in various Parishes will feel that of the candidates being presented to them it may be that none will have a chance of aspiring to a ministerial office and, as such, their disconnection which they already have will increase. I, therefore, submit that removing the Senators to give proportionality deteriorates the present situation. One of the aspects of Senator Le Fondré's amendment is of course the retention of the Parishes as they now are; I spoke yesterday saying that I do appreciate the whole argument of proportionality. As a Deputy of the Parish with the smallest number of people I can do little about that except to recognise that problem exists and that when exercising my vote in the interests of the Island as a whole I do indeed take into account the wishes of the residents of St. Helier and elsewhere. Being elected as a Deputy does not give you a mandate to look solely after your own constituencies; you have a broader brief and I hope and I believe that most Deputies take that very seriously. The other aspect covered by Senator Le Fondré's amendment relates to the increase in membership of the Assembly as a whole. Only last week there were appointed 3 new Assistant Ministers, and my congratulations to all of them. It does mean that on taking up their appointments the resources available to Scrutiny are thereby diminished quite considerably. Certainly one of my panels, and I suspect others too, they will find it hard to find replacements. I do, therefore, think that the increase in the number of Deputies as a whole will be for the benefit of the whole Island. For those reasons I will be supporting this amendment.

#### **2.2.11 Deputy J.H. Perchard:**

I just want to respond to some of the comments made by the most recent speaker speaking in favour of the amendment. I will do them in reverse order, so the most recent comment made - and I thank the Deputy of St. Mary for his kind remarks regarding my and others' appointments - but I do refute the claim that it has diminished the resources of Scrutiny because it is 3 for 3; 3 Members resigned and 3 were appointed. So I do not really understand the logic of that statement. But the more significant issues around this amendment in particular stem from some of the comments made around creeping towards equality and taking a scientific approach. The problem with the comments made around changing one variable at a time and not taking a more holistic view is that this is not some sort of chemical scientific experiment where you need to measure and where you even can measure the extent of the impact of variable X on Y. This is about concepts that society develops and defines through culture and engagement and intellect. It is about concepts of fairness; it is about concepts such as being represented equally. While I can understand where Deputy Guida's view was coming from in terms of changing things in a way that does not disrupt, I do feel that it was kind of a misrepresentation to say that changing one variable at a time is the better solution to achieving equality. Because we have in society come to an understanding of what we think equal means and that does evolve and change over time, as demonstrated by the fact that women's rights have developed and changed quite rapidly over the last 50 and 100 years. We have started to see equality for women meaning something different to what it used to be perceived as. Thank goodness for that. But when it comes to voter equity what we are being asked today and in this debate is whether or not we believe that each person who votes has an equal weighting when it comes to votes translating into the Chamber. It does not matter that we all engage with people who are not in our district and we might receive emails from people outside - for me - District 3 St. Saviour and respond to them,

because what we are talking about is the representation when it comes to our actual vote. My vote carries a certain weight in the Chamber and it should be proportionate to the number of people I represent, those being the people who elected me. If you agree with that premise then you should vote for the main Proposition unamended, and if you disagree that people should not be equally represented then you do not. But that is the decision Members are being asked to make, what is our definition of equality when it comes to representation in this Chamber, and then they should vote accordingly on this Proposition. The idea that we should creep towards equality is the exact same idea that has resulted in women still not receiving equal pay in society today. It is exactly the same mindset that has meant slow progress. Given the rate of change towards equal pay for men and women, women who are my age will not see equal pay in their lifetime. That is how slowly this evolution towards equality for women is going, and that should absolutely not be the pace of change when we are talking about equal rights. That is absolutely the trend we are seeing with electoral reform in Jersey. The Clothier report was published 20 years ago and one of the proudest moments I am going to have in my time is to be able to endorse the main Proposition this week and endorse the legacy of my grandmother, who was the only woman who was part of the team of authors of the Clothier report and not a more Jersey person would you find. She, as Members will know, was an absolute stalwart of Jersey life and society, an absolute traditionalist in many ways, a frequent churchgoer, a committed farmer. Not a more Jersey person would you find. She acknowledged the problems with our electoral system and she, 20 years ago, sat alongside the 6 male colleagues who put together that report and said: "We need a change." So one of the proudest things that I am going to do this whole political term is to uphold her legacy, her work, respect her intellect and insight alongside the other members of Clothier, and support something that I believe upholds the principles of equality that men and women have been fighting for, for a really long time. So with that I am rejecting the amendment of the Chief Minister. I am disappointed at the attitude that we should creep towards equality and I will absolutely be supporting the chair of P.P.C. in his endeavours this week.

#### **2.2.12 Connétable L. Norman of St. Clement:**

I promised myself once that I would never say this, but I had not intended to speak but the Deputy of St. Mary persuaded me it might be appropriate because the Deputy seems to be perpetuating the myth that somehow Senators have a greater mandate in this place than us mere Constables or Deputies to be Ministers or even Chief Minister. Kindly I say to my friend, the Deputy of St. Mary, I think that is nonsense because we are all equal with an equal voice, equal rights, equal votes and equal duties in this place by whatever route we have been elected. If Members in this Assembly are confused - it is probably the wrong word but I will use that - about our place in this hierarchy then no wonder the public are as well. That proves to me why we should really only have one type of Member in this Assembly, but we have rejected that opportunity which I gave the Assembly yesterday. Even having 12 Senators, all of them in the Council of Ministers, that would not help because if you have a successful vote of no confidence or some sort of crisis and they all have to resign because of a loss of a vote of that type you cannot replace them because there are no more Senators than the 12 that the Deputy of St. Mary would have voted in. While I am speaking I would like to congratulate Deputy Guida on a really excellent speech, a terrific speech; but sadly his conclusion was totally wrong. The reality is - and the public know this - that we need fewer Members; we need fewer Ministers, not more. If you get more, what do you do? You create more work; not necessarily positive work but additional work to justify our existence. We need to concentrate on what we are best at and what we should be doing is governing the Island in a positive way. I shall, therefore, be voting against part one of the amendment.

#### **The Bailiff:**

Thank you very much, Connétable. Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment then I close the debate and call upon the Chief Minister to respond.

### 2.2.13 Senator J.A.N. Le Fondré:

It has been an interesting debate. I will say straight up, I think there have been some exceptionally spurious arguments that have been raised about motives and things like that, and I will try and address one or 2 of them. But I do just go back to the fundamentals there, and it was interesting that somebody regarded this as: “Well if everything else fails this might be acceptable and there should be a standalone proposition in January.” I think it has come down to this point; this is crunch time. The choices now are either to reject all the amendments and the main proposition, so reject this, reject the P.P.C. Proposition and make no progress forward. One could support the P.P.C. Proposition obviously. I make the point, as we have said, you then will be killing off the Island-wide mandate with I think very little recognition from the public that that is in the offing.

[12:15]

Also Members can vote for this which, as I said, is a step forward. It is dealing with the gross distortions in terms of proportionality. Absolutely it is not perfect, but it does deal with dealing with some of the fundamental ones, which is therefore a move towards getting the proportionality and, if you like, the equality that has been referred to in a better place. What I will just say is that P.P.C. did not achieve equality of vote because it has a range of 4 to 6 votes. It is not everybody having the same vote in each area. Now, the equivalent, if you scale it up, that is a range ... the reason I am saying this, our present system - I will just make sure before I say what I am about to say - is a range of 10 to 13 Members at present and this would go up to the equivalent of 10 to 15, so in other words, it almost increases the range rather than decreasing it. We are taking away from many Members between 6 and 9 votes if we vote for the P.P.C. Proposition as it is. That, I think, might be an interesting one to explain to the public. The other points I will make, which are to address ... and Deputy Perchard, I absolutely support and admire her passion and absolutely endorse what she was saying about the lay member of the Clothier board. What I was going to say is there are 2 things. One is - which the Connétable of St. Clement tried to address - Clothier respected the Parishes, it clearly ... and recognised that any reform should have been respecting the Parish boundaries. This P.P.C. Proposition does not do that. Obviously mine does because it does not alter the present system other than addressing the gross proportionality issues. I will quote from another member of that Clothier panel. I will not name them, but they can be identified on page 5 of S.R. 6/2017 and when he appeared in front of the Corporate Services Scrutiny Panel of the day, chaired by myself, and reminded us that Clothier had retained the Parish boundaries. He also considered at that point about time and he said it was about getting it right: “If the principle is established that we are going to have a reform programme [and he was passionate and is passionate about reform] we need to take our time, think about it carefully and produce a concerted plan.” This was the proposal at time, that they were confused, and: “An information campaign after the event would be too late” and he was talking about a proposition of the day, which did involve super-constituencies. I will quote it verbatim, apart from changing the district he referred to, because that is not the district in the P.P.C. Proposition. Basically he said: “If the proposition is upheld, people are not going to know what they are being invited to do come next May. It is a bit late then if people say: ‘Hang on a minute, that is not ... I do not understand it. Nobody asked me whether I wanted to be part of [he said District 5 and these days it would be District 8] and why is Trinity in there?’” That goes back to the point that has been made by a number of Members, if one looks at the P.P.C. Proposition, for example, the grouping which has been taking place. I am sorry, I have just mislaid my map, which is the one, for example, I think it is St. Lawrence, St. John and Trinity, which does mean that somebody on Bel Royal could be represented by someone up on the North Coast. That goes back to this whole thing about the type of representation. It does also give me the opportunity to pick up some comments by Senator Mézec, where I think he completely misunderstood the point I was trying to make. I did do statistics as part of various qualifications I took in days gone by, and the point about statistics, if you have something that significantly distorts your numbers you do not ignore it but you do not allow it to distort the rest of your numbers to try and arrive at a system for whatever you are dealing with. That is the point I

was trying to make. It was alluded to by an excellent speech by Deputy Guida, in making reference to Australia versus Tasmania. I think the interesting thing, there were 2 points people went off at slight tangents about things I referred to to give an indication of what we were looking at, for us thinking outside the box rather than what I was proposing, because obviously what I am proposing today is 4 extra Deputies, an extra 2 in St. Helier - that is a 20 per cent increase - and one in St. Brelade and one in St. Clement. But he went on about St. Helier 3 and 4 needed an extra Deputy. To me, that is an indication of what I will call being constrained by one's own thinking because the point here is he is thinking about the existing St. Helier districts in that analogy. He missed the point therefore. What I am saying is that my part (b) is trying to move away from that, and by looking at the proportionality across the entire Parish of St. Helier and changing those district boundaries, one can address a lot of the remaining disproportionality by simply changing the district boundaries. I am not being prescriptive. I am illustrating it and I am going to suggest that that should be a matter for P.P.C. That I think is what I call a pragmatic approach. I think just to address that again, which is Deputy Labey's comments, he went on about simplicity. I do not think if ... P.P.C., they will say it does not achieve all the simplicity he was talking about unless then the next step is to remove the Constables by another P.P.C. in another time, which obviously no one has any ... that is crystal-ball gazing, at the end of the day. But what I wanted to talk to you about was part (b). Part (b) under the P.P.C. wording is very, very specific. It specifically says that: "An independent Boundaries Commission should be established to ensure there are 9 districts remain compliant" and it obviously talks about the majority of people being from outside the Island and probably the United Kingdom, based on past experience, which is slightly ironic in terms of the comments that I have received time in and time out about having U.K. consultants in, but anyway. But the other comment I would make is that all I have done, I have not been specific about ... as I said, P.P.C. should institute an independent process, that could definitely be called a Boundaries Commission, but specifically saying ... looking at the districts within Parishes and trying to get them down to containing the same numbers of people and essentially, as illustrated, it is not time specific and it is not specific in terms of how P.P.C. do that. So they can still set up a Boundaries Commission with whoever they like, obviously subject to the will of the Assembly, but the point was, the reason I amended it was so it was not the 9 super-constituencies that we are talking about and it was looking at districts. I think that is the only comment I would say. If Members do look or have looked at the back of the report that we put together, it does clearly indicate ... and I used St. Brelade as the example, when by having the extra Deputy allocated across 2 districts, it brings the difference down to 2 per cent from presently what we have, 6 and 10 across the 2 districts. So as I said, I have tried not ... it is not I do not care about numbers. What I am trying to say is numbers are not the only thing that should be driving our considerations in trying to move this forward. Can I thank everybody, all the other Members who have spoken? I do not think there is much point. I suspect people will have made up their minds. I do regard this - just to come down to this point - now is the chance to still retain the Senators. The alternative one is just to vote against the main proposition, but that means no change. This does achieve some change, but it keeps the Senators and it respects, in my view, the Parish system. I will really conclude by just saying again what I have said previously. The political system is not just one that is represented by numbers, figures, analysis and dry statistics. We know that the public wish to be involved, but it is also about the uniqueness of Jersey, and we are unique. It is about the soul and culture of our Island, and we are different to the Isle of Wight, very clearly, and that is, for me, why I remain passionate about the system we have, but am seeking to make some pragmatic improvements to move this argument forward. I have added 2 Deputies into St. Helier. I have also made a recommendation as to how one might change the districts in, for example, St. Helier to then alleviate a lot of the distortion that rightly the St. Helier representatives regularly point out. For me, that is a significant step forward, relative to where we are today. I am not going to say any more than that. I maintain the proposition and I call for the *appel*.

**The Bailiff:**

Chief Minister, you indicated that you might wish to take various things separately. Is that still the case?

**Senator J.A.N. Le Fondré:**

Yes, Sir, if it possible to have 2 votes on part (a) and part (b).

**The Bailiff:**

I think what that will mean is paragraph 1 of the seventh amendment will be voted upon first and then paragraphs 2 and 3, which seem to me to be interdependent, will be voted on second.

**Senator J.A.N. Le Fondré:**

That would be great.

**The Bailiff:**

Happy with that. A point of order, Deputy Young?

**Deputy J.H. Young:**

I wanted to query whether you can vote these separately because my looking at the wording of paragraph (b) suggested it is entirely linked to looking at districts within Parishes, which therefore it seems to me that that paragraphs (a) and (b) are linked. If paragraph (b) were to be voted on separately and paragraph (a) fails, it would be a complete mismatch. I wonder if you just check that out, please, Sir.

**The Bailiff:**

Deputy, if 1 were to be rejected and 2 and 3 were to be accepted, that would amend P.P.C.'s paragraphs. There are still districts within the Parishes in P.P.C.'s paragraphs, as far as I understand, and therefore this particular paragraph would still work. Then I will ask the Greffier to post a voting link with regard to paragraph 1 of the seventh amendment and I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Paragraph 1 has been defeated.

<b>POUR: 16</b>		<b>CONTRE: 32</b>		<b>ABSTAIN: 1</b>
Senator L.J. Farnham		Senator I.J. Gorst		Connétable of St. Peter
Senator S.C. Ferguson		Senator T.A. Vallois		
Senator J.A.N. Le Fondré		Senator K.L. Moore		
Connétable of St. Lawrence		Senator S.W. Pallett		
Connétable of St. Brelade		Senator S.Y. Mézec		
Connétable of Grouville		Connétable of St. Helier		
Connétable of St. John		Connétable of St. Clement		
Connétable of Trinity		Connétable of St. Saviour		
Connétable of St. Mary		Connétable of St. Ouen		
Deputy of Grouville		Connétable of St. Martin		
Deputy J.M. Maçon (S)		Deputy J.A. Martin (H)		
Deputy of St. Mary		Deputy G.P. Southern (H)		
Deputy G.J. Truscott (B)		Deputy K.C. Lewis (S)		
Deputy G.C.U. Guida (L)		Deputy M. Tadier (B)		
Deputy of St. Peter		Deputy M.R. Higgins (H)		
Deputy of Trinity		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		

	Deputy J.H. Young (B)		
	Deputy L.B.E. Ash (C)		
	Deputy K.F. Morel (L)		
	Deputy of St. John		
	Deputy M.R. Le Hegarat (H)		
	Deputy S.M. Ahier (H)		
	Deputy J.H. Perchard (S)		
	Deputy R.J. Ward (H)		
	Deputy C.S. Alves (H)		
	Deputy K.G. Pamplin (S)		
	Deputy I. Gardiner (H)		

Allowing enough time for the Greffier to put a link into the chat.

### The Greffier of the States:

The Members who voted pour: were Senator Le Fondré, the Constable of Grouville, Deputy Guida, the Constable of Trinity, the Deputy of St. Peter, the Deputy of Grouville, Senator Farnham, Senator Ferguson, the Constable of St. Lawrence, Deputy Truscott, Deputy Maçon, the Constable of St. John, the Constable of St. Mary, the Deputy of Trinity and the Constable of St. Brelade.

### The Bailiff:

I ask therefore - if time permits - the Greffier to put a link in to deal with paragraphs 2 and 3, and I open the voting and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

[12:30]

Paragraphs 2 and 3 have been defeated.

<b>POUR: 18</b>	<b>CONTRE: 30</b>	<b>ABSTAIN: 0</b>
Senator L.J. Farnham	Senator I.J. Gorst	
Senator S.C. Ferguson	Senator T.A. Vallois	
Senator J.A.N. Le Fondré	Senator K.L. Moore	
Connétable of St. Clement	Senator S.W. Pallett	
Connétable of St. Lawrence	Senator S.Y. Mézec	
Connétable of St. Brelade	Connétable of St. Helier	
Connétable of Grouville	Connétable of St. Saviour	
Connétable of St. John	Connétable of St. Peter	
Connétable of Trinity	Connétable of St. Martin	
Connétable of St. Mary	Deputy J.A. Martin (H)	
Deputy of Grouville	Deputy G.P. Southern (H)	
Deputy K.C. Lewis (S)	Deputy M. Tadier (B)	
Deputy J.M. Maçon (S)	Deputy M.R. Higgins (H)	
Deputy of St. Mary	Deputy S.J. Pinel (C)	
Deputy G.J. Truscott (B)	Deputy of St. Martin	
Deputy K.F. Morel (L)	Deputy of St. Ouen	
Deputy G.C.U. Guida (L)	Deputy L.M.C. Doublet (S)	
Deputy of Trinity	Deputy R. Labey (H)	
	Deputy S.M. Wickenden (H)	
	Deputy J.H. Young (B)	
	Deputy L.B.E. Ash (C)	
	Deputy of St. Peter	
	Deputy of St. John	

		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		
		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

**The Greffier of the States:**

Those who voted pour were: Senator Le Fondré, the Constable of St. Clement, Senator Farnham, Deputy Guida, Deputy Morel, the Constable of St. John, Deputy Truscott, Deputy Lewis, Deputy Grouville, the Constable of St. Lawrence, Senator Ferguson, the Deputy of Trinity, the Constable of Trinity, the Constable of St. Brelade, Deputy Maçon and the Constable of St. Mary. In the chat, the Deputy of St. Mary.

**The Bailiff:**

Very well. It is now 12.30 p.m. and the main amendments relating to paragraph (a) have all now been debated. There remains the amendment from the Connétable of St. Martin and the Connétable of Grouville to be dealt with before debate resumes on the main proposition. Deputy Tadier, you are suggesting that we adjourn and come back at 2.00 p.m. Do you make the proposition to that effect?

**Deputy M. Tadier:**

Yes, Sir. It leaves us the same lunch, but it is probably a natural juncture to finish and resume 15 minutes early.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

Does any Member wish to second that? **[Seconded]** Does any Member wish to speak on it? If no Member wishes to speak, I will take it as an affirmation to that effect on a standing vote. If no Member wishes to speak, then the Assembly has agreed to that course on a standing vote and I adjourn the Assembly until 2.00 p.m.

[12:32]

**LUNCHEON ADJOURNMENT**

[14:01]

**The Bailiff:**

Before we continue I should just announce that this morning amendments 6 to 21 of the Government Plan, P.130, have been lodged.

**2.3 Composition and Election of the States: Proposed Changes (P.139/2020) - third amendment (P.139/2020 Amd.(3))**

**The Bailiff:**

We now continue with the debate on P.139 and the next matter to be dealt with is the amendment of the Connétable of St. Martin and I ask the Greffier to read the amendment.

**The Greffier of the States:**

Page 3, paragraph (c) – After paragraph (c) insert the following paragraph – “(d) to request the Privileges and Procedures Committee to bring forward the following plans for implementation in time for the 2022 elections: (i) the choice of ‘None of the Above’ to be automatically included as a ballot option in any States Assembly election where the number of candidates in a District or Parish does not exceed the number of seats available, with an appropriate formal consequence being provided should this ballot option achieve a plurality of the votes cast.”

### **2.3.1 Connétable K. Shenton-Stone of St. Martin:**

Hopefully this eighth amendment will be lucky and it will get through. Firstly, to be helpful I will address the comments paper from P.P.C. and say that this amendment is no remedy in itself but instead seeks to provide an additional check on any future uncontested election. We cannot treat the system purely through legislative change. It is just as much a problem to address through the community and I would be delighted to work with P.P.C., other Members and the public to drive candidacies and turnout up. This is something that every Member of the States should commit to, regardless of our politics and views on this Assembly’s composition. We need to break down any misconceptions or barriers that may exist that may be preventing genuinely brilliant candidates from standing, nor should we see this as, potentially, deterring candidates from standing. Jersey’s electorate is filled with good and intelligent people and I cannot imagine widespread hostility ever becoming a symptom of our Island’s politics. In regard to P.P.C.’s questions regarding the intellectual problem, that is would it mean that the contest is meaningful in the sense that there is a ballot? Let me put it this way, a contest held through N.O.T.A. (none of the above) would not be as meaningful as a contest between multiple candidates; that can never be the case. But N.O.T.A. would be more meaningful than denying voters from having the final say in single-candidacy elections. In his opening speech the chair of P.P.C. declared that the Proposition’s changes will ensure that there is always a contest. How on earth can he guarantee this? We cannot guarantee it, even despite our best efforts we cannot force candidates to stand. Indeed, it is not just Connétables who have been elected to this Assembly without a contested election. There are some Deputies in this Assembly who have had the same experience and we cannot be certain that the introduction of multi-Member districts for Deputies will yield permanent contests. This is not an amendment to make a “none of the above” option universal on all ballots. Instead it is about giving voters the choice to reject whoever is standing uncontested. I repeat that those who stand uncontested ensure that no candidate is truly elected until all voters have spoken. By adopting this amendment we can ensure that there is at least a minimum contest for each candidate to fight in order to secure their place in this Assembly and prove to their to-be constituents that they should be their representative. It means that those running uncontested would still have to introduce themselves to the electorate, which I hope they already do, and prove to them that they are worth voting for. For those concerned with thoughts of chaos and everyone being thrown out of the Assembly as a result of this, please let me assure Members that they have nothing to fear. N.O.T.A.’s consequences would, in my eyes, require exceptional circumstances to provoke voters to trigger it. If we single candidates, and I was a single candidate with no opposition, do lose, then that is the democratically-exercised will of our constituents and we should embrace that. As for questions of how its consequences could be enacted and similar concerns, then please be aware that if we adopt this amendment it will be P.P.C.’s responsibility to have the final say in how all this will work and what formal consequences it would carry. I trust that they will be able to successfully address any concerns that may be raised today, while ensuring that we can give the voters a little more power in deciding who represents them in this Assembly. This amendment would enhance P.P.C.’s Proposition and, therefore, enhance democracy. Finally, it is my hope that the adoption of this option will help to further develop on-Island conversations about democratic representation in Jersey, get more Islanders to consider standing for future elections and allow them to ask new questions about who they are voting for and, above all, and this is important, whether they consent to their candidacy. I would urge you all to vote for this amendment.



### **The Bailiff:**

Thank you very much, Connétable. Is the amendment seconded? [**Seconded**] I, therefore, open the debate.

### **2.3.2 Deputy S.M. Wickenden of St. Helier:**

I have spoken to the Constable about my concerns about this Proposition; that it does not do what it is trying to do. There is a fundamental flaw in the wording of the Proposition and I am just going to explain it now. I did speak to the Constable about this early on when I saw it, to see if the Constable wanted to make an amendment. But it does say: “The choice of ‘none of the above’ to be automatically included in a ballot option in a States Assembly election where a number of candidates in a district or Parish does not exceed the number of seats available.” For me there are some like St. Mary and where I live in St. Martin where in the Parish there are 2 seats available. Where this would fall down on the “none of the above” is if, say, for instance, 2 people ran for the Constable position and one person ran for the Deputy position. In that case on the wording of this Proposition there would be more candidates than seats in the Parish because the Parish has 2 seats and there are now 3 candidates, and that is where I think it will fall down because then that Deputy position would not need “none of the above” and would be elected unopposed without the option on the ballot paper. For me, I think the wording of district or Parish, putting it in in that terms, has failed the application of what is trying to be done here. It should have been for the Deputy or Constable or it should have been moved in some other way but by district or Parish and by number of seats and number of candidates in the way this is done, this does not achieve the option that the Constable was trying to meet. Therefore, I just think that whether you believe in the merits of having “none of the above” or it is a good tool, and I do approve of it, but I cannot support this Proposition on the basis that it is fundamentally flawed and does not achieve the end goal of what the Constable was trying to achieve and, therefore, I cannot support this Proposition.

### **2.3.3 Connétable R.A. Buchanan of St. Ouen:**

As a candidate who was elected unopposed at the last election, one always has mixed feelings. Obviously before I was elected I spoke to many people in the Parish and received a lot of support from them. But if you do not fight a contested election you never know if you have 100 per cent support or at least you have a majority of support from those in the Parish. I hope I do but I cannot point my finger to anything that says that I can prove this. This option for me has a lot of attractions because it means that is it always going to be an election, even if you are the only candidate standing and, effectively, you are standing against yourself in many ways. But you know that you have to go out and you have to campaign and you have to go out and meet people in the Parish. I had plans to do this when I stood for election and I did do some of it. I held a couple of hustings and I did visit as many people as I could. But it is not the same as being under pressure in an election to go and visit absolutely everyone to make sure that you do not miss anyone and you garner as many votes as you can. It becomes a competitive atmosphere and you may go the extra mile to make sure that you visit and talk to absolutely everyone. I think that in the first instance that does give the Parish the opportunity to meet and question as many people as possible, which can only be a good thing really. As the Constable of St. Martin rightly pointed out in the Proposition, it does give electors the ability to have a say, not just at a nomination meeting but on election day, so it means that on election day everyone has to come and vote, even if there is only one candidate, if they want that candidate to succeed or indeed if they want to get rid of that candidate. I think, in my view, it really does help to confirm that the candidate has the support of his electorate or indeed does not have the support of his electorate, and I think it gives the candidate more credibility. One always has this sneaking suspicion in the back of one’s mind if one has not fought an election that I will not say you are second class but when you speak in the Assembly you do not speak with quite the same authority as, say, somebody who has won an election. I think doing this will remove that doubt. Despite the flaws that Deputy Wickenden has pointed out, I would urge Members to support this because I think all the changes we

are making are designed to remove uncontested elections and, hopefully, if we approve the P.P.C. proposition with the Constables being the only elected representative of the Parish, that will encourage more people to stand for that position. But, nevertheless, if they do not it does at least mean that everyone who is elected to the Assembly is elected, even if they are only elected because people had the ability to get rid of them. They do have some credibility in that respect, whereas I think if you are like me who have stood and been unopposed, there is always a little question mark. For me, this Proposition has a lot of advantages in that respect. I would urge Members strongly to support this.

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

Tensions at the moment but I feel it is wrong and very ...

**The Bailiff:**

I am sorry, you seem to be fading in and out, we do not ...

**Deputy L.B.E. Ash:**

You can come back to me.

**The Bailiff:**

Shall I come back to you, Deputy, when maybe you have sorted out technical issues?

**Deputy L.B.E. Ash:**

Yes, Sir, that is fine.

**The Bailiff:**

I will come back to you, in which case Deputy Morel.

**2.3.4 Deputy K.F. Morel:**

I just wanted to say a few words, which I hope will make it easier for people to vote for this. I think, first of all, this is a very simple solution to one of the problems of uncontested elections and that is the lack of choice that the electorate have.

[14:15]

If we adopt this amendment it means that regardless of how few candidates stand for an election, as long as there is more than zero, the electorate will always have a choice and I think that is very important. Because no matter what we do with regard to electoral reform, whether we adopt the main proposition or not ... sorry, we do have to adopt the main proposition to get this amendment through but if the main proposition is adopted, if I were to stand in St. Lawrence, St. John and Trinity, we cannot guarantee that there would be more than 4 candidates standing for those 4 seats. It would be appropriate then to give a choice, rather than just have those 4 candidates automatically elected. I think that is only fair. The second thing I wanted to address was in case there are some people who think that this is something which does not happen in the world, I spotted when I was perusing the election maps for the U.S. election that the state of Nevada includes "none of the above" as one of the options on the presidential ballot. Indeed, in some counties of Nevada "none of the above" came third after, obviously, the 2 main presidential candidates. But where in most counties the Libertarian candidate was coming third, there were a few counties where "none of the above" came third ahead of the Libertarian candidate. As well as Nevada using it, other countries I believe that use it include Indonesia, India, Pakistan, Greece and it has been used in Bulgaria as well. It is not an unknown item to have on the ballot paper; it is something that has appeared internationally and does appear internationally, including within the U.S. elections. The third thing I wanted to say was with regard to Deputy Wickenden's concerns about the wording of the amendment. First of all, I would always say if you found a problem with the wording of the amendment, an amendment to the amendment

may have sorted that out and that would perhaps have been helpful, rather than just speaking against it. But even if the Deputy is correct, the way I understood his explanation was if you took a district where there was one Constable seat and 2 Deputy seats but you had 2 people running for Constable and only one person running for Deputy, then “none of the above” would still be written on the Constable’s election ballot; the way this is worded, that is how I understand it anyway. That is not a big problem; if that was the case that is not an issue. So you had 2 candidates and “none of the above” for one seat; that does not, in my view, stop this being brought forward or would not stop me voting for this. The other thing I would say is that if there is a problem with the precise wording - it is only an “if” - I am sure the Assembly would have no issue were this amendment to be passed. Should the Privileges and Procedures Committee include in their instructions for how “none of the above” should be used, what is clearly the Connétable’s intention through this wording. If the precise wording is not quite there, I am sure the Privileges and Procedures Committee will be given room by this Assembly to bringing in instructions that meet the intention, if not precise wording. Again, I do not feel Deputy Wickenden’s concerns in any way should stop anybody from voting for this amendment, which I fully support and I am pleased to see for us today.

### **2.3.5 Deputy M. Tadier:**

As the cliché goes, I am pleased to follow the last speaker. “None of the above” does exist around the world but when it was used in Nevada or the likes of those places it is not exclusively used in elections where they would otherwise be uncontested. It is used as an option for the electorate to indicate his or her disapproval with all of the candidates in a given election, so it does not depend on that election only having the same number of candidates or fewer candidates than there are seats, so that is the starting point. I think if it were that the former, what I have just explained, rather than what the Constable is proposing, that would at least have more consistent logic. I probably still would not support it anyway because I think it is inherently negative and that when you go to an election you choose the best candidate that is available, even if they are not your ideal choice. I have to say that there is nothing illegitimate about somebody being elected unopposed. I would not necessarily go so far as to say that if you are unopposed it is because you are doing a good job and that, therefore, no one wants to contest it. It could be much more complicated than that but it is not that candidate’s fault and that candidate who then becomes an elected Member is not illegitimate. I am worried that we are putting this through because many Members might think this is a harmless one that can go through but I do not think that is the case. First of all, it is bureaucratic and so we would have a contested election, effectively, but which is not really a contested election. You have got a choice of a real person who can answer your phone calls and respond to your emails when they get elected or a vacuum of power. We are asking the electorate to say you can vote for a non-person or you can vote for a person and it is not really a choice. It gives an illusion of choice. I would ask Deputy Morel rhetorically, because I do not want to give him another opportunity to speak, in Nevada and the U.S., how many candidates got elected for the none of the above party? Did they get any seats? In any election has none of the above won any seats? I do not see them as being one of the great movers and shakers in terms of a party or a movement. I have never been to a C.P.A. conference and spoken to one of the none of the above members who got elected for whichever part of Australia or Samoa or the U.K., wherever it is, that is because people do not vote for none of the above candidates, they vote for real people. We should not be tempted to do this just because some politicians feel uncomfortable about the fact that they have an uncontested election. What I say to those Constables or anyone else who has not faced an election is good luck to you, just be pleased with that. If the public were really that bothered they would probably put up an opposition candidate to you and do not feel bad. Certainly, I would like to contest, and it is normally Deputy Martin who does this, but the fact that there are no financial and manpower implications stated on the Proposition; that cannot be true. If we are having elections that would not otherwise be taking place, even if it is just the printing of a ballot paper in those areas where there might be a Senatorial election going on, that is the only other election, there is a cost to that and those votes have to be counted. There is at least a

voluntary manpower implication then and there will be a cost. There will be some of those staff no doubt who also need to be paid at the Parish Halls doing extra work, so there is a cost to this and for what? For no tangible reason and no tangible benefit. I do not buy this argument. Let us try and find out why elections are uncontested. Let us listen to P.P.C., who have told us that one of the reasons that they are not contested is because in single-seat constituencies where you have got an entrenched candidate, and let us look at the Constables. I am not going to pull any punches. This is not personal and we all know that they work very hard, as we have been told. But if you have got an established sitting candidate who puts out a magazine with themselves plastered all over it 4 times a year and delivers that to every home for free because people pay for advertising and they get an article in that where the Constable's face or the Deputy's face in single-seat constituencies is there every quarter, how on earth are people going to feel that they are going to go up against someone like that when they are not well-known? Super-constituencies, the large constituencies is the way to go and that is what P.P.C. are proposing, so let us support those. If we are genuine about wanting to get rid of uncontested elections there are 2 things we do, we do that, we go for the P.P.C. reforms and we support party politics. All the Tories out there, all the Liberals, whatever your particular colour, those of you who know deep down that the only way to go is to form party politics, is you make sure you form your party and you contest as many seats as you can in as many districts as you can to make sure that there are no uncontested elections. Because if we are going to have "none of the above" we might as well just say let us put a cabbage on a stick and let us stick it next to the uncontested candidate and then you can have a choice of voting for the candidate or voting for the cabbage. I tell you what, even though it might not look as if there is much difference sometimes to the electorate, I would suggest that nobody is going to vote for the cabbage because the cabbage does not respond to your emails, okay, so let us end this nonsense.

### **2.3.6 Deputy J.H. Young:**

I am not going to give a non-party political broadcast. I do agree though with the one point, I do agree with the previous speaker, is that the substantive proposal - the substantive part of that we are going to get to soon - will reduce the problem that we have had about uncontested elections and it is a serious problem. I am not convinced, I am afraid, that party politics is going to magically solve that. We will have, I believe, if we can pass the main Proposition, much less, certainly in the non-Constable seats. I, myself, agree very much with the Deputy of St. Ouen. In my experience I have taken part on 4 separate electoral occasions. On the first I stood as a Deputy and I was successful; there was only one seat, against 3 other candidates. It was probably my best performance. I stood in the Senatorial elections out of 30 candidates, so came eleventh and under a by-election for a Senator I came fourth. Now I find myself returned to the States in 2018 without an election and, frankly, I said at the time and I still feel it, I was disappointed and of course I was looking forward very much to the competition from the Reform Party, who were actively speaking at the time that there was going to be a candidate but it did not materialise at the eleventh hour. I do share the feelings of the Connétable of St. Ouen. I never know, I have ended up in a ministerial position unexpectedly. Personally I do not feel comfortable with that, the fact that I got there unelected. I know that there is form for that, if you look back there are other Ministers in that position and I think that is really not good. I think this proposal from the Connétable of St. Martin is very innovatory, it is really interesting. P.P.C.'s comments say that and they are looking for this debate; I think their comments say they want to hear this in the debate. They do not pooh, pooh it, they do not put it down. It did occur to me that one possibility that if we had such an arrangement within our electoral law, that we might see people maybe considering standing against a very favoured and well-known, somebody, one of the leading figures in the Parish who feels not very confident challenging and then might be subjected to criticism from the Parish. Because the very point that was spoken about just now from the previous speaker, an election costs money in Parish communities. I think if people perceive that an election is not necessary, in small Parishes there certainly will be words flying around, I am sure. Those things do act, I think, as intimidator because we all know in some Parishes historically, maybe

not so strong now, but in the past it was often there was a route to become, if you like, anointed within the community, that you could put yourself forward and I know people might feel intimidated. The fact that if this amendment were passed there would have to be an election anyway, I think might result in people putting themselves forward and having a real choice; it struck me as being a possibility. Then there is the issue, I think, about Deputy Wickenden, you were right on the wording, I am absolutely sure, but I do not think that is a reason not to support it.

[14:30]

Because the preamble in the Proposition sets P.P.C. the job of taking this on board and, if you like I think in layman's terms, come back with a method of making this work. As Deputy Morel told us, I think common sense would prevail because the point that Deputy Wickenden worries about is being the fact that it is related to Parish or district. But of course until we get to the substantive point we cannot be entirely sure what wording will work. But the intention of this amendment, if it is passed, is clear; that everybody, even if they are not contested, there would have to be an election and there will be some kind of confirmatory option which would be an alternative to people spoiling their papers. Because spoiling their papers or not turning up at worst is the only options people have got that do not like the candidates. I think that alone is better. I would expect P.P.C., if this is approved, would come back with a workable arrangement. I think the Proposition, the amendment from the Connétable, sets out some ideas of what might happen in the event of "none of the above" winning and there are a number of suggestions there. One of them it says: "What might happen is you might ask one of the Procureurs to stand in." I don't quite like that idea very much because if a Procureur wants to stand they should stand in the election. Then we have got the idea that the retiring Member, the one that is previously elected might be offered, and the other one is that, therefore, the person takes their seats and they have to have a confirmatory election, say, in a short period. I think that is really quite a problem of what happens. I think of the options, having to have a rerun of the election is probably the best one, in which case I would be almost certain that another candidate would come forward and we would soon get the matter dealt with. I think this is a really interesting innovatory idea. I think it is worth supporting, even if as I hope we pass the main Proposition, because that will reduce down. There will be plenty of competition for all of the non-Connétable seats, absolutely we will not see any more of those, and that will definitely increase the level of engagement. But in the Parish communities, this suggestion of the Connétable I think will, if you like, break some of the ice, which I do think does limit people who do not feel they are in the part of the Parish-leading figures or the anointed or the in-crowds, they are coming forward. Of course I do not believe they should be forced to go and join a political party in order to do that. I am going to support this amendment and I hope it is passed.

### **2.3.7 Deputy L.B.E. Ash:**

A good reboot often does the trick. I do not intend to speak very long on this but I do think it is a very well-intentioned Proposition but I think it is flawed. Basically my main purpose for the fact that it is flawed is we have so much negativity already within our politics in Jersey. Can you imagine the Facebook or Twitterati campaign to vote for "none of the above"? It would only need one smart aleck on there to get the ball rolling and anybody who goes on there can see that. In fairness, we recently had someone who started a campaign and got 5,000 votes for the Island to write off £320 million. We can see how social media can be very compelling and we do not need any more negativity in the Island's politics. If people are really that keen to say "none of the above", why would they not put themselves forward? That, to me, is the main thing. If you feel that anti all the candidates, put yourself forward, as we all have in here. Let us face it at the moment and possibly in the coming months we are going to get even more abuse for doing so. Because we were the people who put ourselves at the forefront and decided we would try to do our best for the Island, so why should they not do that? That is the negative side of this. Let us have a look at the positive side that was put forward, well at least they will have stood against someone. They will not, will they? They

will not have stood against anyone. When I was a young person, perhaps a rather sad individual, as I probably am today, but I used to play football in the garden by myself in one of those little goals. I might be incorrect but I think I still hold the England goal-scoring record for a single match. If you look that up in the record books you will not see that of course because the opposition was non-existent. Saying I stood against ... who did you stand against? No one. I stood against none of the above. It just does not add up. Is that, yes, you stood and it was a proper election because people could vote for nobody? It is just absurd. On the plus side, for those that can sit there now, and it is Deputies and Constables that they were not opposed, they were elected. Let us get that absolutely straight, they were elected. They were elected unopposed but they put themselves forward to be elected. The fact that no one stood against them is not their fault. All these people who wish to vote for “none of the above”, put yourself forward. Put yourself on the line and come and join the ... I was going to say the fun but it is probably the wrong word but that is what we need to do. We need to embrace the whole electorate and not merely start to make things even more negative than they are already.

**The Bailiff:**

Thank you very much, Deputy. Deputy Tadier, you have a question for the Attorney General.

**Deputy M. Tadier:**

Yes, Sir, thank you. It relates to election expenses. So I understand, although I have not got the law in front of me, that during an election it is not just the candidate's election expenses that he or she needs to declare but also if there is any negative campaigning against a candidate, then whoever is responsible for that I thought I remembered also needs to declare the spending for that. I just wanted to ask if that is the case, I might have misremembered, how would we do that in an election where somebody or a group of people are campaigning for “none of the above”? Effectively, against the candidate, let us say, in a single seat, how is it recorded whether or not the spending on those campaigns is equal? Because it could be that somebody decides to spend £1 million, for argument's sake, on a heavy media campaign against a candidate who can only spend perhaps £1,500 in a small constituency.

**The Bailiff:**

Mr. Attorney, are you in a position to assist the Assembly?

**Mr. M.H. Temple, H.M. Attorney General:**

Sir, I would be grateful for a bit of time to research that and give my answer.

**The Bailiff:**

Thank you very much. There are a number of Members still wishing to speak and I am sure there will be many after that, so we will come back to you in due course. Very well. Deputy Maçon.

**2.3.8 Deputy J.M. Maçon of St. Saviour:**

Can I just take Members back and go through the process? What are some of the first votes that Members take when they are in this Assembly? That is the election for the Chief Minister, the Ministers and the Scrutiny chairs. Okay, these are very important positions within our Assembly. Let us just go with the thinking that someone has had an uncontested election, none of the above has won. That means that that area or that district is then unrepresented, so that means they have not got a candidate who can vote and that disenfranchises that area. It also means that it might not have a candidate to stand for those positions; that is clearly unacceptable. The next thing is, as Deputy Young touched on but could have been a bit firmer on, okay, what is the alternative? Assuming it was the Constable, obviously it was the Deputy, the alternative might be a Procureur. It is totally unacceptable to have someone who has got absolutely no mandate to then be in this Assembly making decisions on behalf of the Island, so that is a non-starter to begin with. The next one is well you just

use the old Member that has already gone. Wait a minute, that person has already stood down, they do not want to do it anymore, so why are you forcing them to carry on? Not only that but we changed. This used to happen, we used to have an election and we still have decisions going on in the Assembly. That was not right because those Members, their mandate have expired. Again, we changed the way that the system worked so that we did not have that complication; that is already gone. It is just unworkable. Also, by the way, it then assumes that we then do not get into these spirals of “none of the above” winning election after election after an election. Because, as we all know, there are 100,000 people who can do this job better than any of us here and yet how many of them put their names forward? Sometimes you do feel that there are impossibly high standards that some of the public have out there, then why do they not stand? Why do they not put the effort to come and do the research in their area, draft a manifesto, put themselves forward to that high level of public scrutiny? Because that requires quite a lot of effort and people are not prepared to do that but people are very, very quick to criticise others for doing so. It just does not work. It is interesting the point that Deputy Ash said, the Twitterati will rally around the “none of the above” campaign. Can I just remind Members that during the opinion poll on the A, B, C referendum, again, even the radio, the mainstream media was campaigning for option D, none of the above? Let us just not think it is limited to Twitter and as if there would not be a bigger pool there; there may well be. You have got all of that and, as I say, you could end up in a cycle of “none of the above” votes in elections and let us just not forget the time lag it then takes in order to do that because you have the date of the nomination night, you progress to the, in theory, election, none of the above wins, then you have to go through another 3 or 4-month process in order to do it all over again. That leaves that area, that district without a representative. I am sorry, this is absolute nonsense. I like the Constable of St. Martin very, very much - I just want to put that on record - but I am sorry this idea is totally unworkable. I know that Deputy Morel mentioned that other places do have it. Yes, but they also have party political systems and we do not have an official or comprehensive, I should say, party political system. Again, you are not comparing like with like. For me, this is just not practical and it is a no from me.

### **2.3.9 Deputy G.P. Southern:**

I shall be brief because I have looked at this Proposition from front, from back, from left, from right, from top and bottom and I cannot see at all for the life of me what its point is. It seems to me a complete misunderstanding of our democracy, with or without parties, and that is the important factor in terms of getting the vote out; make sure that you have got parties with policies so you know what you are voting for, I would suggest. But I did hear, and this is quite interesting, one previous speaker say that such enlightened places as Nevada, India and Bulgaria follow this system and thinking about that the prospect is horrific, quite frankly. No, let us get on with something else. Let us get to vote on this and get rid of it, please.

### **2.3.10 The Connétable of St. Mary:**

Could I get clarification on what would happen if, for example, St. Helier Central who are proposed to have 5 representatives for the available seats but the electorate of that district voted “none of the above” for every candidate, would that mean that St. Helier Central would not have any representation or if only 3 seats were voted in, then there would be a total imbalance on the equality vote, which I thought was the purpose of all these amendments and the main Proposition? This amendment seems seriously flawed.

[14:45]

### **2.3.11 Deputy R. Labey:**

The Constable of St. Martin did a wonderful thing the other day when she was interviewed on television about her amendment, about being nominated for Constable, she said she was an outsider; that she was not a member of the municipality and she was not in the Honorary Police. I thought that

must have come as news to an awful lot of people. I think the assumption is that you might have to have come up through those organisations to be Constable and it got me thinking whether there is not more we could do in a positive way, taking up Deputy Ash's thread, to say it is okay to challenge and it is healthy, it is democratic; here is what Constables do. You do not need to be in the Honorary Police or have come up through the municipality necessarily. I think that would be more positive and we should look at that. The Comité will know much better than me what would be the best things to say in that circumstance and it has to be honest. But if the Constables were up for that and I bet they would be, I think that will be more positive than this.

### **2.3.12 Deputy I. Gardiner:**

In true democracy the common good would be served and a clear majority of people would be satisfied. As we all know, the satisfaction about the political system and how the politics works and engagement is really, really low. For me, without this option our current electoral models are founded on the principle of lead, follow or get out of the way. Where the options that people have who do not want to take the lead themselves, it means stand for the office, or to follow someone else, vote for a party or candidate, they need to get away; it means disengage completely. None of the above option would provide a crucial first point option from me. It is the ability to formally reject all that is on offer, and this cannot be ignored. It is one of the fundamental free expressions of the electorate that can be taken into account. The practicalities can be worked out. Yes, it would be temporarily empty seats and it would trigger a by-election and whenever a clear majority of the voters would choose "none of the above", the practicalities will be worked out and also the wording, I think, would be worked out by P.P.C. if it will pass. Also, I think most of us, at least me during my 2 elections, I have seen ballot papers that was just crossover candidates, including myself. Basically our voters came to the polling station and just decided to cross over our candidates and saying "none of the above", which is their choice and their right but it was a poll paper, nobody counted them. If our parishioners or our constituents have already taken this option, let us allow this option to be as a first option to express their will. I will be supporting this amendment.

### **2.3.13 Senator S.Y. Mézec:**

I am not going to be as negative about this as some previous speakers have been, partly because I am quite enjoying the fact that after well over a day of debating electoral reform I think this is the first amendment that has added something interesting to the debate that is a worthy idea for consideration, and it is interesting to hear those different perspectives on it. The idea of having something in place for voters to register a view in the absence of a contested election or a more widely-contested election is not an outrageous suggestion. It is something that exists in other places and you can argue about how successful it is or is not in those places. I remember when I was a student in student union elections on ballots there, there was often a reopen the nominations option on there, which if it would have won, then there would have been a further opportunity for candidates to come forward and rehold the election if people wanted to register, that they were not happy with any of the candidates, even when it was contested. There are ways of adding to the mix here. What the Constable has suggested itself may or may not be the right thing. She has phrased her amendment in such a way that it would then set P.P.C. off to come up with more of the detail for something that is practical, and Members would have an opportunity at that point to decide whether it was right or not. It strikes me that she has deliberately worded the amendment that way, so that we get that opportunity. Unfortunately, what is has not done is stopped lots of people introducing complete red herrings into this debate, which I would like to call out some of them because it is really frustrating when there is a proposal in front of you, which is quite clear in its intention and quite clear about where itself is limited, and for then people to come up with these really wacky ideas of what this could mean. Could this mean the Procureur taking over? Of course it could not, obviously that is not what this is about. The intention of the Constable is to try and make the process more democratic, not less democratic by having some person without a mandate assume that role instead. She said that P.P.C. would have



to look at what the appropriate consequence would be. There are different options for how you could do that. I do not think it would mean simply having seats left vacant for an entire term, like the Constable of St. Mary was suggesting could happen with St. Helier Central; that clearly would not be in the interest of the good governance of the Island to have so many seats left vacant. It could mean a further nomination process after that, enable a by-election essentially to happen. There are lots of jurisdictions that have recall elections where even in the middle of an electoral term voters can call back a representative so they can force a by-election. These sorts of things are not unusual. It is an interesting proposal. What she is suggesting may not be exactly how I might have wanted it but because it is an interesting idea and there is a further opportunity to discuss it if this is passed, I think on balance I will vote to support it. It is not perfect but we will see how it goes. If what P.P.C. come up with afterwards is terrible, we have an opportunity to reject it again. But this is the first amendment to P.P.C.'s Proposition which has added something interesting to the mix. I am strongly in favour of P.P.C.'s Proposition because I think it is a good well-rounded compromise and I am prepared to take the same approach to this amendment as well and see where we go.

#### **2.3.14 Deputy J.A. Martin:**

It is a surprise, I was really looking forward to Senator Mézec speaking, thinking that he was going to find absolute fault with this because, literally, when I first read it, I thought what is going on? We need to have uncontested elections and I am afraid whatever way Senator Mézec thinks that this could be rewritten, I do not think this does it. I think the Constable of St. Mary made a valid point. I am a 3-seat constituency district at the moment and never has it happened there are only 3 people standing, but maybe 3 people do next time and we have the "none of the above" box. The none of the above wins the election. Who of the above are they not liking? If no one else stands again, so us 3 stand again, none of the above wins. I step out, someone steps in, they still do not like none of the above because it is me they like but they did not like the other 2. I have read the amendment before but I heard Indonesia mentioned, so I had to look up why we have to go so far afield. Probably such a bad place we are trying to compare ourselves to, to say they have "none of the above". I cannot believe some of the people have said that they will support this because it is interesting or I think it was Deputy Gardiner said it will give people the chance to come in and spoil their ballot paper. Has anybody noticed the low turnout we have got? Am I going to sit here and go: "Right, I am going to march down there and say 'none of the above' or if it is just one person, 'none of the above'?" No, I have got better things to do in my time. I want to get people out, I want to get them electing and I want to get all the seats in this Island contested. I cannot urge enough people to reject this. I am sorry, I have absolute respect for the Constable of St. Martin. I think she is trying to improve it. This does not do it. I think it is absolute nonsense. Do not vote for it, I do not think it would improve things.

#### **The Bailiff:**

Thank you very much indeed, Deputy. Attorney General, are you ready to advise the Assembly? I have one more person listed to speak at the moment.

#### **The Attorney General:**

Sir, I would just be grateful for one further minute; that would be ...

#### **The Bailiff:**

Yes, by all means. Deputy Ward.

#### **2.3.15 Deputy R.J. Ward:**

I will say *merci* to the Constable for bringing this. It has been quite an enjoyable debate; it has got me thinking. There are a few things I will say that are an issue with this amendment. It does not solve the uncontested, as somebody has said, because you cannot compete against a none of the above, unless none of the above campaigns in some miraculous way. I have been very swayed by

the argument over negativity and it has created strange allegiances in this Assembly, this debate. I agree with some of the comments that Deputy Ash made and Deputy Maçon and I think the issue of why people stand is something that does need to be explored a lot wider. Does this do it? I do not know but there are some positive parts to it. The very fact that if you stand you have to go and knock on every door in your district or your Parish in order to meet people and get their opinion so they know who you are, to try and get them to go out and vote. I think it is a very important part of standing for election. It was certainly the part for me, I stood for the first time this time obviously, that it was the most both eye-opening because you get to see the reality of people's lives in your district directly and that you really do know who you are representing. It also gives you a real understanding of the importance of what you are trying to do. The negativity of social media is something that is very important and I think we all need to remember that. All Members need to remember that before they make comments about things. It is a really important thing to address. But I think the other issue, the issue of whether this will mean that elections will be better, I am not so sure about. I think the issue about why people stand is about an issue of our politics itself. We had a speech earlier in one of the other debates from a Member who said that they had no interest in politics. A politician with no interest in politics is not somebody you are going to rush to the ballot box to vote for and I think that needs to be addressed. There needs to be an openness and a transparency to our politics. It is no good having people stand as part of an allegiance, a party, on the same posters in an election and then suddenly they are not part of a party and in fact are extremely critical of parties. What we end up with is contradictions. I do not know if the word "hypocrisy" is allowed in the Assembly but that is what we get and that is the issue that affects whether people vote or not. Plus the practicalities of standing, there is no support to stand. Many people if they want to stand will have to have financial backing behind them or they will have to walk away from their job or they will have to take unpaid leave. Unless you are somebody with your own individual wealth to start with, that is a very, very big commitment to make. Those are the real obstacles to why people do not stand for election. Until we address those we will be tinkering and that is all we are doing. This is the real issue, what we need to be doing today is getting behind the main Proposition. Let us be honest, we are all going to have to compromise to do that. I stood on an election manifesto that said one type of States Member; we are willing to compromise that in order to make a step forward and we desperately need that step forward.

[15:00]

That will be the encouragement that people need in order to stand for election. But in terms of this Proposition, there is an issue with what the outcome will be if none of the above wins with a landslide; it is going to be quite a difficult situation. I do not agree that the wording is not understandable, I think it is clear. It says a district or a Parish, so those elections are separate and it does make sense and so I do not see a problem with that. Whether I support this or not, I am not so sure. But I would suggest that one of the things we do need to do is not get into this level of criticism and negativity, which Members have spoken to and perhaps try and show people that what we are trying to do is produce real change on the Island. But in order to do that we have to support real change and I hope that that is what we do today in the end.

**The Bailiff:**

Thank you very much, Deputy. Deputy Tadier has asked for a point of clarification, if you will give way for that, Deputy Ward.

**Deputy R.J. Ward:**

Yes, Sir, sorry, what was that?

**The Bailiff:**

Deputy Tadier has asked for a point of clarification from you, if you will give way.

**Deputy R.J. Ward:**

Yes, of course, yes.

**Deputy M. Tadier:**

Yes, obviously a good speech but the speaker said that this Proposition, if passed, would mean that a candidate who was uncontested would have to knock on doors or every door in the Parish, I think is what he said. Where did he get that from in the Proposition?

**Deputy R.J. Ward:**

That would be my assumption. If I was standing in a seat uncontested with a “none of the above” I would expect to go and knock on every single door. Perhaps it is just my high level of integrity that is the issue there. I hope that satisfies the Deputy.

**The Bailiff:**

Does any other Member wish to speak, otherwise I shall call on the Attorney General for advice. Mr. Attorney, are you in a position to advise the Assembly?

**The Attorney General:**

I can give provisional advice. That is that in my view I do not think that the existing provisions of the 2014 Law concerning expenses and public elections were designed with the prospect of a “none of the above” option in mind. But in relation to the specific point that is raised by Deputy Tadier, there is a provision in that 2014 Law which might be engaged by this “none of the above” option which concerns third parties. It is in Article 9 of the 2014 law where third parties is a person who is not a candidate but who incurs expenses to the detriment of people who are candidates. So there is a possible way under that provision that this option of “none of the above” might be engaged. But I have to say that I do not think that this specific “none of the above” option was in mind when the 2014 Law was drafted and approved by the States. It may be that it would need some further attention if this amendment to the Proposition were passed and the Proposition was adopted. I think that is as far as I can provide advice to the Assembly at this notice.

**The Bailiff:**

Thank you very much, Mr. Attorney. Does any other Member wish to speak on the amendment?

**Deputy M. Tadier:**

Sir, I did have a follow up question if that is possible?

**The Bailiff:**

If it is for the Attorney, yes, that is possible.

**Deputy M. Tadier:**

First of all, that is helpful and thank you to the Attorney General. I am trying to get my head around if, for example ... I will just say if I were a candidate standing in a single seat, there were no other candidates and then there was an election of the “none of the above” in which I would not necessarily be guaranteed to get elected, if somebody puts themselves forward as the head of a campaign saying “none of the above”, which is effectively do not vote for this person and they spent, let us say, vastly in excess of what I could spend, I think my spending might be £1,500, for example, and that person spent £10,000 on a campaign against me, would I have any legal recourse to the Judicial Greffe to contest the fairness of that in court.

**The Attorney General:**

My preliminary answer to that is no, you would not have redress.

**Deputy M. Tadier:**

Thank you.

**2.3.16 Connétable D.W. Mezbourian of St. Lawrence:**

I just want to briefly bring it to Members' attention because I am sure that not all of them will be aware that in actual fact a Connétable once elected remains in office until a new Connétable has been sworn to office. I am sure not many Members know that, I do not even know if every Constable does but clearly that is a different situation to Senators and Deputies. I am sure it will not make any difference to the way people decide to vote on this amendment but I do think it is useful that Members are aware of it. Thank you.

**The Bailiff:**

Thank you very much, Connétable. Deputy Tadier, you have made an observation which really in my judgment amounts to a second speech. Will you please forbear from adding things into the chat which might be read by other Members and might constitute a second speech? Does any other Member wish to speak on this amendment? If no other Member wishes to speak on the amendment then I call on the Connétable of St. Martin to respond.

**2.3.17 The Connétable of St. Martin:**

I would like to thank everybody who has spoken on this amendment, starting with Deputy Wickenden. Deputy Wickenden's argument is very literal and it would be bizarre of P.P.C. to interpret the amendment in that way. I also thought that Deputy Wickenden, as he is a member of P.P.C., would realise that if the Proposition is passed, and that is the only way my amendment can pass, it eliminates Deputy Wickenden's issue since Deputies would be elected from districts and Constables would be elected from Parishes. I just wanted to make that point. Thank you very much to the Constable of St. Ouen for his support, much appreciated. To Deputy Kirsten Morel, I was very grateful for his support and I am sure the people of Nevada are very upstanding people and did not deserve the comments from Deputy Southern. It is a simple solution to uncontested elections as it does address the lack of choice. Deputy Tadier said that this was inherently negative. I would like to say to him it is not inherently negative, it is far from it, it is very positive, it is trying to bring more democracy forward and I am not quite sure what Deputy Tadier would like. I would like to say I think he has been quite obstructive in the chat with the picture that he put in and then one of his comments. "None of the above" is not a candidate, "none of the above" is not a person so they would have no budget to be campaigning against him. Surely he feels strong enough in his record with the States that he should not be too worried about some bogus "none of the above" putting millions of pounds against him. I do not really think that holds water. I would like to thank Deputy Young who stressed that he also felt uncomfortable, as I did, in being elected unopposed. I thank him for saying that this is innovative and interesting for those putting themselves forward and the electorate would have a real choice. It is hard to read my notes as I was listening and writing at the same time. He also makes a good point that it breaks the ice. He was saying about people who feel, especially with the role of Constables, I think, have been anointed somehow by the Members of the municipality or a delegation. As I have said time and time again, I have never had a delegation, I certainly was not anointed and hopefully this will go some way to show people that they can stand, it might help them. Deputy Ash says this is flawed and he says it is for negativity, but I would say no, it is not negative, it is very positive and I would also say to Deputy Ash to have faith in the force for good. It may make some of his lone footballers in their lonely gardens decide to get out of the garden and put themselves forward. Deputy Maçon thinks it will disenfranchise Members. No, we would not have "none of the above" winning over and over and over again. We have a very intelligent electorate out there, I do not think they are going to be out purposefully to go and vote for "none of the above". Also that means we have to have a really good calibre of candidate. I would just say to Deputy Maçon, take a leap of faith, it will work and do not be put off by Twitter, because surely we are bigger

than that, surely we cannot cave in because of the Twitterati. Deputy Southern, I have to say I totally disagree with him and I do understand democracy, which is why I brought this forward. I really like my fellow Constable John Le Bailly but I do feel that he has missed the point. Deputy Labey, he quoted what I said on T.V. last week and, yes, I can reiterate it was a shock to many parishioners. Hopefully the shock of me turning up and gaining a seat has turned out to be a welcome surprise and not a dreadful mistake. Deputy Gardiner, thank you very much. I believe she said, if I can read my writing, lead, follow or get out of the way. It is a crucial point to have the ability to formally reject all of the above. As she said, the wording will be sorted out by P.P.C. I am a non-Executive Member of the States, I have brought this on my own and I do not have a big group of people helping me with this but P.P.C., I believe, will sort out the right method for this and it would obviously then come back and we can agree or disagree. Senator Mézec added something very interesting and he suggested it gave voters a chance to register a view. As he said, this is not an outrageous suggestion, this happens in many parts of the world and is very successful. I do believe that P.P.C. could come up with something really practical. I also would like to thank Senator Mézec for calling out the red herrings and, as he said, we could have more democracy, further nominations and recall elections. Deputy Martin was very negative about it and I would just like to say to Deputy Martin, she has a good track record so I am not quite sure why she might think that any of us in here would be such bad politicians that “none of the above” would constantly win over us. I would just like to say to be more secure in your record and take a chance and do this. Deputy Ward, I would like to say *merci beaucoup* and, yes, there are positive parts of this amendment. I am pleased that he is understanding what we are trying to do, and I would also say to him negativity on social media should not put us off. We should all be much bigger than that. We should not cower down to negative points. I would really ask him to support change with this amendment. Saying that, again, I do thank everybody who spoke. I do not - as I said before - propose that this is a full solution to the problem we have. What it is is a simple check and balance and I really think it would be good to have a check and balance. It provides the option for voters to turn down an uncontested candidacy if they believe them to be unsuitable and gives the option to express those concerns if they so choose. It moves the confirmation of their election out of the nominations hall, and that is really important. When I went in - and I do keep quoting myself because I was elected unopposed - to the nominations hall that evening being told there were 2 other candidates, even as I walked in the door I was told that, and then I came out half an hour later and I was Constable-elect, that was quite a shock.

[15:15]

So it moves confirmation of the election out of the nomination hall and into the hands of the voters on the day everybody else is elected so we would all then be elected on the same day. To summarise, it is not a solution to an intellectual problem but a possible addition to the systems give a greater democratic say in who represents us. I would really urge you all to vote for this amendment for all the reasons I have mentioned. If today we adopt P.P.C.’s Proposition then this is a highly desirable amendment and enhances democracy. So please do vote for this amendment, thank you.

**The Bailiff:**

Connétable, Deputy Wickenden has a point of clarification.

**The Connétable of St. Martin:**

Can I apologise to Deputy Wickenden?

**The Bailiff:**

The reason I asked Deputy Wickenden to make a point of clarification ...

**Deputy S.M. Wickenden:**

I gave up that position when I took up the Assistant Minister role so that is not one of my positions. I just want to make that clear for the Assembly.

### **The Connétable of St. Martin:**

I do apologise to Deputy Wickenden, yes, I know he is Assistant Minister but in my head he was such a prominent member of P.P.C. I thought he was still on P.P.C. Thank you.

### **The Bailiff:**

The reason, Deputy, and I say this to other Members as well, that I asked you to make this point of clarification rather than simply letting it stand in the chat is that I am becoming increasingly concerned that observations and comments are appearing in the chat made by individuals who have already spoken. In my view that amounts to a second speech. It amounts to debating points which are not Hansarded and are not within the hearing of the Assembly and members of the public. Accordingly, in my view, that is a practice that should be eschewed and if there are points of clarification, order or otherwise to make they should be made in open through the Chair. I ask the Greffier to place a voting link. I open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 25</b>		<b>CONTRE: 23</b>		<b>ABSTAIN: 0</b>
Senator J.A.N. Le Fondré		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator T.A. Vallois		
Connétable of St. Brelade		Senator S.W. Pallett		
Connétable of Grouville		Connétable of St. Helier		
Connétable of St. John		Connétable of St. Clement		
Connétable of Trinity		Connétable of St. Lawrence		
Connétable of St. Peter		Connétable of St. Saviour		
Connétable of St. Ouen		Connétable of St. Mary		
Connétable of St. Martin		Deputy J.A. Martin (H)		
Deputy of Grouville		Deputy G.P. Southern (H)		
Deputy L.M.C. Doublet (S)		Deputy K.C. Lewis (S)		
Deputy G.J. Truscott (B)		Deputy M. Tadier (B)		
Deputy J.H. Young (B)		Deputy M.R. Higgins (H)		
Deputy K.F. Morel (L)		Deputy J.M. Maçon (S)		
Deputy G.C.U. Guida (L)		Deputy S.J. Pinel (C)		
Deputy of St. Peter		Deputy of St. Martin		
Deputy of St. John		Deputy of St. Ouen		
Deputy M.R. Le Hegarat (H)		Deputy R. Labey (H)		
Deputy S.M. Ahier (H)		Deputy S.M. Wickenden (H)		
Deputy J.H. Perchard (S)		Deputy of St. Mary		
Deputy R.J. Ward (H)		Deputy L.B.E. Ash (C)		
Deputy C.S. Alves (H)		Deputy of Trinity		
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **2.4 Composition and Election of the States: Proposed Changes (P.139/2020) – fourth amendment (P.139/2020 Amd.(4))**

### **The Bailiff:**

The last of the amendments to be considered is that of the Connétable of Grouville and I ask the Greffier to read the amendment.

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

Page 3, Paragraph (c) - after paragraph (c), insert the following new paragraph (d) - “(d) that the proposition is null and void and of no effect unless the majority of the people voting in a referendum on the question of the proposed changes in the composition and election of the States, held in accordance with the Referendum (Jersey) Law 2017, have voted in favour of the proposed changes”.

#### **2.4.1 Connétable J.E. Le Maistre of Grouville:**

I hope Members will have had time to read the report that goes with this amendment. Obviously it was written before anyone knew the outcome of the debates we have had. Indeed it was written before we knew some were going to be proposed. The number of amendments put forward is an indication of just how divided this Assembly is on the way forward. I think that division is replicated across the Island as whole and that is why if this Proposition is passed by a small majority in the Assembly I believe that we should make sure that the people of Jersey are happy with it. The removal of the Senatorial position is a major constitutional change and so is the removal of the Parish Deputies. Any major change of the composition of the States of Jersey should take into account the views of Islanders and the only way of doing this is through a referendum. If adopted this referendum would be run by the Referendum Commission and will ensure that the referendum is run in a fair and proper way and therefore the results will be robust and indisputable. My amendment proposes the requirements of the referendum before the Proposition is adopted to allow every elector an equal vote on proposed changes to the States Assembly. A referendum is an example of direct democracy with the outcome providing a mandate from the general public. The proposal now in front of us changes the type of States Member we will have and changes our constituencies. The feedback is that the removal of the 4 Senatorial seats was against the wishes of the public. Many people think that the Senatorial role is the most democratic and should not be removed, indeed some would like to see the number of Senators increase. Do the public want to retain the Parish Deputies? I thought the Deputy of St. Mary’s speech yesterday was excellent. It spelled out the role of a country Deputy to a tee and explained how much a part of the community the Parish Deputy is and, indeed, has to be. I know the Deputy of Grouville fulfils her role excellently in the way described as by the Deputy of St. Mary. She is very much part of the fabric of our Parish and takes the lead on a number of Parish projects. Equally the Deputy of the St. Martin worked closely with the former Constable and is now working with the new Constable on most things to do with the Parish. I could go on and describe all of the certainly country Parish Deputies and some within the urban areas. I understand why the Deputy of St. Martin thinks he intends to vote for the proposition but is he sure that is what his electors want. If any Deputy, the Deputy of St. Martin or any other Deputy, who is considering voting for the Proposition is in doubt as to whether their electors support it then please support this proposition and we will find out what their electors want. What about the position of Constable? That is hopefully to be saved. The 2014 referendum answered the question as to whether the public want the Constables to remain or not. Do the general public want larger constituencies or super-constituencies where electors of country Parishes might think that candidates will not understand the needs of their smaller communities. The comments from P.P.C. started with the sentence, and I will quote: “Why on earth would anyone show any interest in a referendum when the last time a referendum was held on these proposals the States voted to ignore it.” The sentence reflects the only point made in the comments paper. The answer is simple. In 2017 the Corporate Services Scrutiny Panel presented a report which contained the results of a poll of 1,030 people commissioned by Ipsos MORI and in the report it states, again I quote: “There is a clear desire from correspondents to the Ipsos MORI poll for a referendum on any constitutional change. 71 per cent of respondents to the panel’s poll were in favour of holding a referendum on the changes proposed with only 21 per cent against.” Clearly there is a desire for us to hold a referendum on constitutional matters. Are we really going to ignore 70 per cent of the population? The people of Jersey deserve the right to vote on such important matters given that the proposed changes will alter the Parish system which is at the very heart of our culture. I propose the amendment.

**The Bailiff:**

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

#### **2.4.2 Senator S.Y. Mézec:**

I urge Members to reject this amendment. I think what the Constable is proposing is so badly thought out, and I think it will do nothing but weaken the reputation of our democratic system among the public. I think he has made some really dire mistakes in his proposal speech here. He, on more than one occasion, referred to this as constitutional change. I am sorry, he does not know what the word “constitutional” means if that is the context in which he is using it. This is not constitutional change. It is simply not what that word means. The constitution is about our autonomy, our powers and our privileges and the competencies of this Assembly as a body. What the extent of our law-making powers is, where other powers lie separate to that, the division of powers between the different branches of government, those are constitutional issues, the issue of the makeup of this body is not a constitutional issue, it is an issue of the composition of the Assembly. We could change the composition of the Assembly by a million different ways, all sorts of different variations, we have had different amendments to this Proposition, there have been whole variations of ones proposed beforehand and none of them affect the powers of this body one bit. The role of this Assembly in the governance of the Island remains exactly the same. The powers it has remain exactly the same and the job of the people who do get elected remains the same, even though we currently have different titles and different sized constituencies, in the Assembly we are 49 equals who have the same job. To say that this is a constitutional issue and therefore must go to a referendum misses the point completely. If something were to go to a referendum on our constitution, that might be a good idea if it was something to do with Jersey’s autonomy. If Jersey wanted to take more autonomy from the U.K. or perhaps even full independence, that would be a constitutional issue that would be right to go to referendum to find out if that is the direction that people of the Island would like us to take. But this is not one of those issues. The ability of the Assembly to govern the things that affect the people of Jersey’s lives remains completely unchanged after this. It is simply about implementing a cleaner method for the composition of this Assembly to be made up. I should not have to make that point but even though I have had to make it, it then leads to the next point which is that we have been here before. This has happened already, that we have had a referendum, that we have put it out to the public to ask them what change they want to see in the composition of this Assembly. They voted and then the Assembly ignores it. It says: “Thanks for taking part but tough luck we are overruling you because you picked the wrong answer.” That damaged politics in Jersey and there are still people out there who raise it when I go out and speak to people, particularly on doorsteps saying what a catastrophe that was, the disregard for the view of the public who took the time to take part in that. The Constable quoted Ipsos MORI polls, he said of around 1,000 people or whatever, but we are talking about a referendum here that took place that had far more people take part in it. It is the peak democratic consultation that you can ask to happen.

[15:30]

People came forward, I did not like the answer of that referendum but there was a result, it was a result according to the rules set by the Assembly, set by those who voted to have that referendum in the first place. It gave a result and what is more, is that the winning option, option B, in Grouville won by a landslide. The P.P.C. Proposition is basically option B. It is the same principle, the same concept, it is basically what the people of Grouville and of the whole Island have already been asked. In that instance they said: “Yes, please. Thank you we will have that.” There were other options on the table, they did not get as many votes. The one that came last was the status quo, which is what some Members, completely within their rights to do so, believe is right for Jersey, believe it is right that we have no change and that we block any attempt for change, but they simply do not have a mandate for it. That referendum exercise, whether you like the answer or not, happened and now these years later we are joking ourselves that we might go through it all again to frankly take the mickey out of the public and say: “By the way, you know that answer you gave us a few years back,



we are now asking you again just to check you really meant it. It is insulting, it is a waste of money and it will be treated in the risible way that it deserves to be treated and we will end up no further forward. I really do urge Members to reject this Proposition. I think that the answers that the chairman of P.P.C. gave in question time on Monday really ought to have put an end to this because even if this is adopted, it is simply not feasible to hold a referendum under good practice because of the length of time it would take to organise it. The financial and manpower implications that the Constable has put in his amendment are wrong and we would be making a final decision so close to the wire that it would leave a big question mark over our next general election, and that is not right to do to a democracy, to get so close to that election and not be able to confirm on what terms that election will be held. It will put people off standing and constitutionally it does not look good. It does not look like good governance to have that difficulty there. It is the case, and we have been through this before, that a referendum cannot be held under good practice and it is the case that what is on the table now with P.P.C., them having been through a wide consultation process, the greatest consultation process on electoral reform that has been done in the Island ... apart from a referendum, that is the only greater exercise, and it reached the same conclusion, surprise, surprise. We really are, I think, kidding ourselves, wasting our time and insulting the public and providing another opportunity to betray them again and say: "Thanks for your views but we still disagree with what you have said; we will ignore it." I urge Members to reject this amendment and come together, be prepared to compromise and go for something that may not be perfect in our eyes. It is certainly not perfect in my eyes, but I say that the people of Jersey deserve to have a cleaner electoral system, a fairer system with greater voter equity and one which respects their desire to protect the Parish system as well. That is what we have got on the table before us. The public have basically voted for this beforehand. We have the mandate to get on with it. Please let us just get on with it, improve our democracy and reject this amendment.

#### **2.4.3 Senator L.J. Farnham:**

I did try to speak first because I just wanted to make a prediction, and Senator Mézec has started to fulfil it. He is a very animated speaker but it is completely predictable because what we are going to hear now is that we cannot possibly have a referendum, it is completely wrong to ask the people, the fact we are making change to the composition of the Assembly without the permission of or consultation with the electorate is nothing more than an insult to them. These reformers - and I am not referring to Reform Jersey, sorry - the presenters of the Proposition, Deputy Labey, claim that there is wide public support for these changes, yet I bet that every one of them, and I hope I am wrong, is not going to support this amendment for a referendum. I could be wrong but that is what I predict and I would say: what are they running scared of? If they are claiming wide public support, they should be embracing this opportunity for a referendum, a simple referendum on the decisions we make collectively today that could be dealt with by a simple yes/no answer, not the referendum that we took last time. The amendment we have just approved - and I think that could come back to haunt us - the "none of the above", should have been option D in the referendum. It might have given that referendum more credence, but in the Assembly's wisdom at the time it decided not to do that. Let the supporters of the reform being proposed by P.P.C. today put their money where their mouths are and embrace what changes we agree today, if we ultimately agree any, and have the courtesy to present this to the public in the form of a referendum with a simple yes/no answer and then we follow up that. That is an opportunity for us to restore the public confidence by holding a referendum and following what the public say in it.

#### **2.4.4 Deputy S.M. Ahier:**

I understand the Constable's rationale for bringing this amendment and share his conviction that Islanders should have a say in any change to the electoral system, but I hasten to point out that we have already had referendums on this very subject. We know that if we were to have another referendum on the Constables having an automatic seat in the States most of the Parishes would again

be in favour. You can similarly conclude that if we were to have a referendum on whether to retain the Senators in this Assembly, the majority of the electorate would agree. If there were to be a vote to continue to elect Deputies to this Chamber, that would also be supported by a majority of the population. Nevertheless, when we had a referendum on electoral reform in 2013, less than 20 per cent of those who voted supported the status quo and more than 80 per cent of those who participated voted for electoral change. These people have been badly let down by this Assembly's continued inaction on the outcome of that referendum. It is hardly surprising that voter turnout remains so low when the wishes of Jersey residents are so brazenly ignored. I do not know what the argument for another referendum on electoral reform could possibly be when all it will do is delay our ability to deliver on the last referendum we had on this same question. There is no logical reason to delay this Proposition from being implemented if passed by the Assembly today, so please do not delay until after the next election. I hope that the Members will accordingly reject this amendment.

#### **2.4.5 The Connétable of St. Ouen:**

I just want to defend my fellow Constable from Grouville, and I am sure Senator Mézec did not really mean to be quite so harsh in his comments, because there is no doubt that before we started this process there were options on the table that have not been put to a referendum and if that had been the case then the case for a referendum would have been strong. I remind you, and I am not going to keep the Assembly long, as Deputy Ahier has ably pointed out, this particular option that we are going to discuss and vote on very shortly has indeed been put to the electorate in 2013 and a number of options, A, B and C, were presented but option B clearly won with a victory of 64.98 per cent and the total number of people who voted for it were just under 17,000. It may not be completely what we are going to agree in terms of district splits but I think in broad terms it is pretty much what was put to the electorate in 2013. Given that that particular option was not implemented by the Assembly after that referendum, and I for one, although I was not in the Assembly at the time, was pretty disappointed that that was not the case as I had been very keen to see the new structure put in place, I think we would be doing a disservice to the electorate once again if we do agree P.P.C.'s proposal and again put it to the electorate. While I think the Constable is right to put this into the mix in this debate, I think once we get to this stage, in my view I think he probably would have done better to withdraw this. I would urge Members not to support it and Members to support P.P.C.'s proposals.

#### **2.4.6 Deputy L.B.E. Ash:**

Firstly, I would like to back up what Senator Mézec said. We have already had a referendum. We had a referendum a few years ago and what Deputy Labey and P.P.C. are bringing is pretty much the result of that referendum. We have a chance, hopefully some time before Christmas, of implementing that with a vote, putting the result of that referendum to bed, being able to turn round to the people who voted that way way back then and say: "Look, it took its time but it has got there, what you wanted has been now implemented." Secondly, I cannot believe that there would be a worst time for this. When we talk about the number of people, as Deputy Guida did earlier, who care about certain things, there is a considerable number of people who follow the Jersey political scene who do not think that this debate at this time is the right time to be having it because of what is going on outside in - if I may use the term - the real world. Are we really now going to say that when hopefully we are coming out of COVID in spring, when we are going to have to look at other methods to get the economy going, to really give things a boost, to probably pay for some enhanced vaccines for other people, when we are doing with all that, which hopefully will be a good time for us in some ways, are we really going to say that we are going to spend £100,000 on staging a referendum that has already taken place? It is not for me.

#### **2.4.7 Deputy K.G. Pamplin:**

It is a day of clichés, but here is mine. I was not going to speak in this amendment, I was only going to speak once in the final debate. However, I speak in response to my good friend and fellow

Tottenham Hotspur sufferer/supporter, Senator Farnham, when he talked about challenges and being scared and why I will not be voting for this amendment. I would like to echo the words of the previous speaker about the situation where we find ourselves in 2020, what we have all been through, as the Deputy of St. Clement mentioned, the real world, and a tough year for next year as we do come out, hopefully, fingers crossed, thanks to the vaccine. The second point, and my personal reason why I will not be supporting again my very good friend, the Constable of Grouville who I respect a lot, is that I would like to see referendums put to the Island on real matters of importance and values that could change society, for example like assisting dying, like New Zealand did on their recent election ballot. They also had a referendum on a Bill that their Parliament had produced and in Second Reading produced to the members of that country to see if they supported it before they went to Third Reading. That is something that would affect every single life, you could argue, and it has great meaning in effect. You could also argue, and others will, about legalising cannabis. All these things, I believe, will bring out a larger sector of the society to really connect with this, their Parliament, which is why I think on balance I cannot support this amendment because I do not think it needs my own personal test. It has nothing to do with running scared. I stand by what I have just said and I look forward to hearing the rest of the debate and the main debate later.

[15:45]

#### **2.4.8 Deputy M. Tadier:**

I think the first point to reiterate is that this is not a referendum issue. There was no referendum after 1945, 1948, when these far-reaching changes were introduced. We got rid of the Jurats from the States and the Rectors but it did not need a referendum because it was not a constitutional issue or if it was a constitutional issue it certainly was not one that merited a referendum. This is not constitution. I think it has been explained that constitution would be to do with perhaps our powers and our autonomy or our relative autonomy and our relationship with the Crown. The fact that we are still a British island and if we were removing that, seeking to become an independent sovereign state, I would expect that would be the subject of a referendum. Deputy Pamplin is also right. When it comes to significant issues of conscience that perhaps the Government or the Assembly cannot necessarily find common ground on to move forward, those are the kind of issues that we might have a referendum on. The second point is that even if this were a referendum issue, the problem is that our electoral system is so broken, and it is fundamentally what we are discussing today, that the victims, if you like, of that broken system are those who have lost all hope in it and have become completely alienated from that system, that they have disengaged from the whole process such is their contempt for it. It is true that the apparent disregard for the result of the last referendum result, which I hasten to add was a flawed referendum - we do not need to go into that now - and it did not deliver a clear result in the way that some think but nonetheless the public perception is that there was a result and that the States refused to introduce it. But things have moved on and there is an option on the table for positive change to heal our broken system. So the point I am making there is that those victims of the broken system who are disengaged, of course they will not come out to vote. We will not hear from them in a referendum because they are not engaged in the system. We will only hear from people who understand the current system and who are possibly more likely to be in favour of the current system. Other Members will say: "We cannot punish those who vote." That is true but a referendum is supposed to be indicative of telling us what the public opinion is, and if the majority of the public do not come out to vote how can we know and make an informed decision about what the public want? We cannot punish those who do not vote because they will also be recipients of the new system that we put in place. It is a different argument, I think, to an ordinary election, so I would make those 2 points and leave it there.

#### **2.4.9 Deputy G.C. Guida:**

It is quite interesting. I have been trying to keep track but I did lose count, I am sorry, and I will have to look at the Hansard to see if I am anywhere near the count. I believe that in the last 2 days we

have mentioned the word “democracy” more than 120 times. Democracy, every single person speaking today and yesterday has used that word as a justification for their logic. When you come to ask the people somehow: “No, that is not very important, we have done that already. Why does this influence anything? We do not have to do it in this particular case”, there are so many excuses. We have been fighting for democracy for 2 days and when it comes to asking the people “No, no, no, cannot have that, we really cannot have that. This would be a problem. It would be against their interest.” How is that even possible? Who in this Assembly has that in their brain? Something else, the whole 2 days have been about demonstrating figures at hand, that the wrong people were in this Assembly, that unelected people were in this Assembly, unopposed people were in this Assembly, that people in the wrong-sized constituency were in this Assembly. So this Assembly, the wrong Assembly, the Assembly with the wrong people in it, is going to decide how it is going to be elected next. Where is the logic in that? Are we the right people, and we know we have an absolutely undeniable mandate and we are going to use that mandate to make democracy even better, or are we the wrong people and we are going to use the existing mandate to make people’s lives better to change the way that they elect the Assembly? This is the one question that we really need to ask. What happened to the Venice Commission? This is so important but yet when it comes to this we completely forget about them. They asked for a referendum and they say make it a yes or no referendum, and we have it. There is a Proposition that might get voted in. If it is voted in, we put it as a question: do you want the existing system or do you want the new system, yes or no? That is all. That is very simple, that is unequivocal and we can make it binding because we will have already voted for it. Now let us look at the future. I am quite grateful for Deputy Tadier to have done that for us. It is quite good to be visionary and look at the future and he described it to a tee. Ten years from now there will be political parties in Jersey, one of them will have 55 per cent of the electorate behind them. This Assembly will have 27 Members linked to that party and an odd number of Members, depending on what is voted on, as the Opposition. They will be gesticulating and opposing all they want but they will not be listened to. At that stage, do we want this 55 per cent to go back to election and say: “Let us look at the constituencies. Let us move them about a bit in order to be more democratic?” Do we want to know that or do we want to set a principle that when you gerrymander you need to do it with the public behind you?

**Deputy R.J. Ward:**

Sorry, Sir, I was trying to ask a point of clarification on that speech and I could not get the ... there is a delay. Apologies, Sir.

**The Bailiff:**

Deputy Guida, do you give way for a point of clarification? A point of clarification, yes, Deputy.

**Deputy R.J. Ward:**

The Deputy referred to a question on the possible referendum and he said: “There will be a new system or old system and the question is yes or no.” Can he clarify what he means by his question, because yes, there is a new system or an old system, no, there is a new system or an old system? I ask because it shows the problem we have with asking the right type of question.

**Deputy G.C. Guida:**

Sorry, this is a binary question: do you want a new system or the old system? For example, do you want to choose a change in the system through the P.P.C. Proposition, yes or no? It is binary. There are not many options in that.

**Deputy R.J. Ward:**

Thank you, just to get that clarification.

**2.4.10 Connétable C.H. Taylor of St. John:**

Just to clarify, the question will be posed by the Referendum Commission and they say how the question is put as a neutral question and is no way loaded one way or the other. So it is up to the Commission how the question is worded. I think there are 3 points I would like to make. First and foremost, the 2013 referendum, which regularly gets quoted, unfortunately must be regarded as null and void for the simple reason it was not a yes/no referendum and that is what it needs to be. The second issue I have is listening to Senator Mézec banging the democracy drum, saying we need to be more democratic; what exactly can be more democratic than asking the electorate? I find him very contradictory in his comments. Thirdly, we heard the Chairman of P.P.C. say: “This has overwhelming support [and that was a quote] for change.” If that is the case then he has no concern and indeed would welcome going to a referendum to endorse the changes that are being proposed. If these changes are to be agreed today - and I say “if” - what better way of endorsing it than through a referendum. Again, this will increase voter confidence and it will inspire better voter turnout in the future. I urge Members to see the necessity of having a referendum and urge you to support this amendment.

#### **2.4.11 Deputy R.E. Huelin of St. Peter:**

I am deeply disturbed by this whole process. The original Proposition, voted down 26-20 last year, had significant merit. It was well consulted, every effort was made by P.P.C. to bring a solution of voter equity. It was well-researched and the Island gained. It was a great piece of work. We, therefore, have to ask the question why it did not succeed. I have many theories. However, the answer is perceived as the desire to keep the Constables in the Parish and in the Assembly. Is this the real reason or is it an olive branch to secure the vote of our Constables? As a passionate supporter of the Parish community, I believe they should sit in our Assembly but does this hybrid compromise the overall package our Island needs and deserves? Has the Island recently been consulted on the subtle but significant change? I fear not. So we are now in our situation where all of our ideas have been dismissed. I say that with absolute respect for all those who have given of their time and energy to bring their amendments. It is also clear, listening to the speeches, that many have dedicated a lot of time and effort by way of preparation for this very long debate. However, given our current circumstances, none of us see the consultation that Islander engagement deserves. This has been at a time when Islanders expect us to be focusing on the pandemic and this debate can only mean the important work of keeping our Island safe has distracted us all from the committed dedication that should have been receiving. I am afraid the timing of this has done us, as an Assembly, no favours. I sense the P.P.C. Proposition, brilliantly presented by its Chair, may go through. I admit I am still undecided and Assembly support on this amendment will help my decision. However, one thing I know is the Island should be consulted and that outcome should be respected. That is why I will support a yes/no referendum, which I hope takes place when this pandemic is behind us.

#### **2.4.12 The Deputy of St. Mary:**

My point is relatively simple. I have been a States Member for some 6 years and I have lost count, even during that time, of how many debates we have had on this subject. What I want, and I am sure what the electors as a whole want, is finality. Without a referendum, I do not see that we will bring that finality. During the course of this debate, various Members have said what they passionately believe is the wish of their parishioners or their own constituency, and I have no reason to doubt them. For my own part, I believe that the votes I have made reflect what I think is the majority view of the Parish, but again I do not know for certain. Simply because this matter has been voted on before and has not been the subject of referendums before does not mean there should not be one now. I suspect if there had been a referendum at the time that the number of Senators was reduced from 12 to 8, that would not have been in favour of it. We are in this mess, if I am allowed to call it that, at the moment because of the lack of a direct mandate. That is what this amendment by the Constable of Grouville seeks to achieve. I do not see it as a wrecking motion. For myself, as the Deputy of St. Mary, I make my own decisions on various propositions that come forward with the

benefit of views of parishioners. In this case I regard myself essentially as a delegate. In fact I question whether I have a decision in this. I note that the Proposition is worded that the proposition made by P.P.C. will be null and void only if the referendum supports it, so I am not sure that States Members have any say in it. Further, Deputy Ahier referred to not wishing to delay matters. I can see his point on that but I do not think this referendum in itself would delay matters. It is contemplated it will take place before the next general election, so I see no downside in approving this amendment except, of course, on behalf of those who fear that the referendum might not go their way.

[16:00]

If they do see a problem in getting the voting numbers, then I suggest it is open to them, and indeed the proponent of this particular amendment, to rally their own supporters. In the days of social media, that should be relatively easy. Again, I repeat I wish to bring finality to this for the benefit of all to prevent future debates happening on a regular basis and to appease the electorate, so I shall be supporting the Constable of Grouville in this.

#### **2.4.13 Deputy R.J. Ward:**

There are a few things I will say. The bringer of this Proposition at the beginning said that the number of amendments show that there was not clarity in the Assembly. Those amendments on the whole were ... Sir, can you still hear me?

#### **The Bailiff:**

Yes, we can hear you. Yes, Deputy, we can hear you. Perhaps you cannot hear us.

#### **Deputy R.J. Ward:**

Sorry, Sir, I do not know what happened there. Suddenly I was trying to be reincluded in a meeting. I will start again. The bringer of the proposition suggested that because there were so many amendments there was division but I will say that the amendments were rejected quite firmly by the Assembly, which means that what was happening, yet again, were attempts to derail something where we could find common ground across the Assembly. Where we could at last make the sort of change that is desperately wanted by this Island, to have a much fairer system. It is not perfect but we are finding that people from across the Assembly are willing to compromise to vote for something that is a much better position than we have now. When speakers say this is not about wrecking, I am afraid that the amendment is about doing that. It is about delaying, it is about stopping, and so things will not happen. There has been a previous referendum and people have talked about it a lot. Even though this is not a constitutional matter. We are elected to make decisions in this Assembly. Sometimes very difficult decisions. We cannot shirk that responsibility today and leave this and say: "Oh well, I tell you what, we will leave it to a referendum" so that you do not have to take that responsibility back to your constituents. We need to stand up to the plate and make the decision today. We do not need or require this referendum. We certainly do not need to be spending £100,000 or more at this stage and at this time. One of the suggestions for those people who want the referendum is do it after COVID is finished. That is designed entirely to delay any change to our electoral system. I urge Members to reject this call for a referendum. It is unnecessary. It is in the wrong place. It is directed at the wrong time. After 20 years or more, we are on the verge of making a genuine change where we can go out to the people in our electorate and say: "We are serious about representation. We are serious about getting you involved in the elections. We are serious about our democracy" and I use that word openly.

#### **The Bailiff:**

Deputy, the Connétable of St. John has asked for a point of clarification. Do you give that way for that purpose?

**Deputy R.J. Ward:**

Yes, Sir.

**The Connétable of St. John:**

The Deputy said the public of the Island are desperate for change. Is he prepared to allow those desperate people to express their opinion directly through a referendum?

**The Bailiff:**

I am sorry, Connétable, that is a debating point. It is not seeking a point of clarification. Deputy Ward has made his own position entirely clear on that point in arguing against it.

**2.4.14 Senator J.A.N. Le Fondré:**

This will be very brief. I do find it quite interesting that there are all sorts of people who keep saying this is all about democracy and then when there is a vote to take it back to the population this does affect, and let us be clear, it is not a nice simple administrative change, this is quite fundamentally changing how people elect their political representatives, for me that is one of the fundamental routes of democracy, people are objecting to taking it back to the people. This is a different option to what was done in the referendum in the past. Most particularly, and we have been through it so many times, it was not a simple yes/no referendum, which gave people the ability to reject it. We can go through all those machinations in the past, that is very clear, that is what is recommended by the Venice Commission or the U.N. (United Nations) - I cannot remember which guidance it was that I quoted from what seems a long time yesterday - but it should be a yes/no question and it should be very clear it should be going back to Islanders who will be materially affected by what is being proposed. On that basis, I very strongly support the Connétable of Grouville in terms of having a referendum on this subject.

**2.4.15 The Connétable of St. Mary:**

This now has become a contradiction. I would support a referendum but in order to support it I have to accept districts, which goes against the wishes of the electorate, who do not want that. We are back to a previous scenario of previously the A, B, C referendum, in which you had to accept one thing to going what you really wanted. I think a referendum should be on the individual process of what you wish.

**2.4.16 Senator I.J. Gorst:**

I find myself sitting in my office wearing a jumper above my suit, I hope that is parliamentary, and you are not going to rule me out of order for terrible dress sense. If memory serves, in recent history we have had 3 referendums under the Referendum Law (Referendum (Jersey) Law 2017). The first one was a move to central European time. I voted against that move because of the representation of the business community and their connectivity to certain parts of the world. The second was the electoral reform referendum. I supported option B and option B, whether we liked it or not, won that referendum. Then I turn myself into a yes man, as we were slandered during the hustings for the States, and I voted to keep the Constables in the States. I voted yes. Nothing of course needed to happen to give effect to that last referendum because the Constables already sit in the States. The first referendum was defeated so there was no need to make any changes to legislation. The second referendum, of course, was brought by the then P.P.C. to the States Assembly and we heard ... it is sad to recollect, but we heard 101 different arguments about why that referendum was flawed, there should never have been a referendum, it did not produce the result that the majority of States Members in that States wanted. Therefore, the result of the referendum was never delivered upon. So we can have a referendum on option B, if it gets through this afternoon - and I hope it is this afternoon - of course we can have a referendum. Some people have argued that it would not be sensible, it is not of a magnitude, but let us be quite clear. We could have a referendum but, like

many other Members have said today, every time that one talks about electoral reform and talks of either the need for the status quo or the need for change quite rightly members of the public turn round and say: "Well, we voted in the referendum." It may not have produced the results that that particular individual wanted, and more often than not it did not. But there is a fundamental belief that when you have asked the public a question and you have had their answer you must enact it. The reason that what P.P.C. are proposing to date does not need a referendum is because it is simply enacting the result of the last referendum. Are we really going to behave as sometimes the European Union has behaved? It got the wrong answer from a member state in a referendum so rather than accepting that answer it goes back and asks them a slightly different question or the same question again. The public have been asked. Whether there was a high turnout or a low turnout, whether it was a complicated question or it was not, whether one supported it or not, option B won that referendum. We do not need to ask the public again. We are probably now 5 years behind listening to the public and giving effect to their answer. Let us today give effect to the answer that the public gave us about electoral reform. Let us not go back and ask them again because we did not like it the first time round. They have spoken. I believe we have a duty to give effect to what they told us.

**The Bailiff:**

Does any other Member wish to speak on the amendment? No other Member wishes to speak then I close the debate and call upon the Connétable of Grouville to respond.

**2.4.17 The Connétable of Grouville:**

Whether this is a constitutional matter is really rather pedantic but, in my view, our laws are a fundamental part of our constitution and how we are elected is enshrined in our laws and when we get elected we make them. Deputy Ahier made the point that 80 per cent of people in the last referendum wanted change. But what it does not say is they wanted different change. A and B were very different. I thank Deputy Guida, he always brings something very special to debates. He pointed out that the referendum in 2013 was not binary and all referendums should be. The Deputy of St. Mary made a good point. If the referendum comes down in favour of the proposals then the way the amendment is written that will happen. I think technically it is possible that maybe the States could overturn that decision at the end of the referendum but I would think that was highly unlikely. There was comment that this is a wrecking motion. I am not quite sure what that means. Presumably the person putting forward that view thinks that the Proposition of P.P.C. will not be accepted so they want to introduce something against the wishes of the people of Jersey. I am not sure how democratic that is. The cost was brought up, I think, by Deputy Ash. He mentioned the figure of £100,000. I have no idea where he got that figure from. I obviously do not have the resources to look into the figure and relied on the officers of the States Greffe. They gave me the figure of £70,000; I accept what they say. I have seen no evidence to suggest it should be anything else.

[16:15]

Yesterday the chairman of P.P.C. said there would be extra money for focus groups. I am not sure quite sure what he meant because there will not be focus groups in the referendum, as far as I know. There will be campaigns presumably for and against the motion being put forward and the campaigners will fund that themselves, albeit with the limits determined by the Referendum Commission, of course. £70,000 is a significant sum of money to individual people but, in the great scheme of things, the States expenditure point of view, it is not a great deal of money. We have spent 2 days debating electoral reform and most of the amendments have not been accepted. I wonder what those 2 days have cost. I know we had some sittings at Fort Regent, which were not very expensive but certainly cost thousands of pounds. I think democracy is vital and I do not think we should put a price on democracy within reason. I think this sum is a reasonable amount to find out what the electors of the Island want. There are 2 sides to the argument about the referendum of 2013. States Members after the referendum were able to ignore the results because they say, and I agree with



them, it was flawed. It was not a binary question. That in itself makes it not valid. It was also not conclusive. Of the 16,624 people who took part in that referendum less than 50 per cent, 8,190 after the second votes were counted, voted for option B. If this referendum is accepted it will be binary. For those who are worried about this referendum, one can only ask why. Presumably they think that the people of Jersey will not accept the proposal put forward. Incidentally, I am not so sure. I think it will be very close and if those who looked at the results of the referendum where they say 80 per cent voted for change, then clearly the proposal on the table will be accepted but at least we will know that we are following the wishes of the electorate. I do not think there is anything else. I will finish by calling for a properly run referendum with a binary question that asks with a properly worded question asking whether the people of Jersey want this change. They deserve the opportunity to decide. I maintain the proposition and ask for the *appel*.

**The Bailiff:**

I ask the Greffier to place a link into the chat. I open the voting and ask Members to cast their votes. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been defeated.

<b>POUR: 15</b>		<b>CONTRE: 32</b>		<b>ABSTAIN:</b>
Senator L.J. Farnham		Senator I.J. Gorst		
Senator J.A.N. Le Fondré		Senator T.A. Vallois		
Connétable of St. Clement		Senator K.L. Moore		
Connétable of St. Saviour		Senator S.W. Pallett		
Connétable of St. Brelade		Senator S.Y. Mézec		
Connétable of Grouville		Connétable of St. Helier		
Connétable of St. John		Connétable of St. Peter		
Connétable of Trinity		Connétable of St. Mary		
Deputy J.M. Maçon (S)		Connétable of St. Ouen		
Deputy of St. Mary		Connétable of St. Martin		
Deputy G.J. Truscott (B)		Deputy J.A. Martin (H)		
Deputy K.F. Morel (L)		Deputy G.P. Southern (H)		
Deputy G.C.U. Guida (L)		Deputy of Grouville		
Deputy of St. Peter		Deputy K.C. Lewis (S)		
Deputy of Trinity		Deputy M. Tadier (B)		
		Deputy M.R. Higgins (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy J.H. Young (B)		
		Deputy L.B.E. Ash (C)		
		Deputy of St. John		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		
		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

**The Deputy Greffier of the States:**

Those voting *pour* in the link: Deputy Guida, the Constable of Grouville, Senator Farnham, Deputy Morel, the Constable of St. Clement, Deputy Maçon, the Deputy of St. Peter, the Constable of St. John, the Constable of St. Saviour, the Constable of St. Brelade, the Constable of Trinity, Senator Le Fondré, Deputy Truscott, the Deputy of Trinity. Those voting *contre*: Deputy Labey, Deputy Ward, the Deputy of St. Martin, Deputy Martin, the Constable of St. Helier, Senator Gorst, Deputy Perchard, Deputy Pamplin, Deputy Le Hegarat, Deputy Wickenden, Deputy Alves, Senator Moore, Deputy Ash, Senator Vallois, the Constable of St. Ouen, Senator Mézec, the Deputy of Grouville, Deputy Pinel, Deputy Young, the Deputy of St. John, Deputy Gardiner, Deputy Doublet, the Deputy of St. Ouen, Deputy Lewis, Deputy Tadier, the Constable of St. Mary, Deputy Ahier, Deputy Higgins, Senator Pallett, the Constable of St. Peter and the Constable of St. Martin.

## **2.5 Composition and Election of the States: Proposed Changes (P.139/2020) - as amended**

### **The Bailiff:**

The various amendments are dealt with. We now return to the debate on the main Proposition as it is amended by the amendment of the Connétable of St. Martin. Does any Member wish to speak?

### **2.5.1 Senator S.Y. Mézec:**

I will get the ball rolling and I promise not to speak for too long because I have spoken I think on most or possibly even all of the amendments on this, so I appreciate Members may be getting sick of the sound of my voice. I suppose I am getting a bit sick of the sound of my own voice as well. It is just to reiterate some of the points that have been made by various speakers in this whole debate and I suppose the debate that took place earlier this year on electoral reform. This process, and I am sure we are all feeling this right now, is not a lot of fun. It can be very difficult, sometimes infuriating. I have certainly felt that a few times over the last couple of days. It can be very frustrating knowing that you are not going to get what you want, knowing that in our own heads we may have visions for what we think the perfect system is and we just cannot fathom why the whole world does not agree with us on it. That can be a rather annoying position to be in, and I am sure many Members will find themselves in that position today looking at P.P.C.'s Proposition. It is certainly not what I think is perfect and I wonder how many people do look at it and think that it is a perfect solution or even a near-perfect solution. But I think that this is quite possibly the best job at trying to take our Island forward in enhancing the democratic rights of the people who we represent. I think it is probably the best job that has come to this Assembly before because P.P.C. has done a really good job at trying to bring people together on the staunch points of principle that they have got and work with them and talk to them and say: "Right, how can we get you to take that step forward towards those people you disagree with and make them feel comfortable with also taking a step forward?" rather than what we have seen in the past where sometimes when Members have been prepared to compromise on an actual reform and take that step forward it is reciprocated with a step backwards from the others. I hope that today is not going to be one of those occasions where we have now got a proposition before us that improves voter equity beyond where we are now, where those who resent the fact that their vote is worth less than somebody else's somewhere else in the Island, are going to be made, I think, to feel better by this knowing that that position will be undone to at least some degree. I am a St. Helier resident, I live in the Parish which is most drastically under-represented in the Assembly, and I know when I go and cast my vote at election time it is not worth as much as people living in other Parishes. It is something that makes me disillusioned with our system. I will not be able to feel like that as much under this new system, and my neighbours and fellow voters in this area will not be able to. It is very much on record that I am somebody who does not necessarily think that the Constables being in the States is right. I am not somebody who is convinced that if they were to leave the States that it would be doomsday for the Parish system. But I am prepared to compromise on that. I am prepared to acknowledge that unless I get to grips with that point of principle for me then there is no reason for people who hold the opposite view to do the same as well and move themselves towards something positive. I am quite happy to say that even though that is not what I truly believe I think

that it is worth saying: “Okay, fair enough.” Plenty of my colleagues and plenty of Islanders out there take a different view to me on that, that it is important to preserve the Parish system, to have the presence of the Constables secured in the Assembly. They hold that belief honestly and sincerely, even though it is not the same as mine. I will be prepared to say: “Okay, but we will get greater voter equity with the rest of the membership of the Assembly.” We will have, I hope, a much cleaner general election in 2022 where it will be much easier to explain to the ordinary voter on the street how the voting system works, what their experience will be when they turn up to their polling station. I hope it will mean a greater choice of candidates because for those wanting to run for election I think this system will be much more inviting than the current one because in multi-seat constituencies they will not be worried about taking on a strong incumbent who some might feel a need to run a negative campaign against, to try and displace them rather than hopefully more positive campaigns where voters have got more than one vote. I hope afterwards a more cohesive States Assembly where the divide between Senators and Deputies will no longer exist, there will not be what I think is quite an unjustified sense of seniority between those 2 classes of Members. The experience certainly in this term of the Assembly has been that there are many Deputies who have made contributions that have been such high quality there is absolutely no way that they could not be described as being less senior than Senators just because of their mandate. Getting rid of that from this Assembly I think will be a good thing. I have spoken for longer than I perhaps hinted I would at the start. I just want to say to Members that I think Members have really done the right thing today and yesterday so far in rejecting these amendments and now giving us an opportunity to debate P.P.C.’s proposition, mostly unamended but with one extra paragraph that certainly does not detract from the rest of the paragraphs. To take now the opportunity to step forward together to ask some of us to compromise a little bit, but I hope not too much to make us feel like we lack integrity for not voting for what might, in our own heads, be the perfect solution but vote for something that will produce a better election campaign, a more cohesive States Assembly, something that respects the Parish representation that is special for so many people, and something that respects the referendum result of 2013. I really hope States Members seize this opportunity and hopefully put an end to these decades of debates that frankly we could all do without, the public could all do without, and improve our democracy. I hope Members will support the Proposition.

### **2.5.2 Connétable R. Vibert of St. Peter:**

On the last occasion we debated electoral reform I spoke against a Proposition brought by P.P.C. This Proposition, based on one originally lodged by Senator Gorst, is a significant compromise in an effort to break the deadlock of the last 20 years and create a more equitable solution. P.P.C. have compromised creating larger districts, removing the Senators, and also recognising the public wish to see Constables retaining their seats in the States Assembly and the retention of the Parish system. There are those who will say that this is the first phase of a 2-phased approach to remove the Constables. Deputy Labey has stated this is not what the current P.P.C. wish to do and although he cannot predict the future it is for us to work with our colleagues to ensure that that second phase is not suggested in the future.

[16:30]

If this Proposition is adopted for the 4 years after the next election it will be critical for the Constables as they will need to adapt, to some extent, and ensure that the public are more aware of the importance as their Parish representative in order to retain their seat in the Assembly. For some Constables they will have to integrate with Deputies who no longer represent a Parish but a district. But this can be overcome where there is a will. It is important that there is clear communication so that we can work together and make the best use of the resources available and that all parishioners of these larger constituencies receive the best possible representation. I have listened to the debate with interest and while I have considered some of the amendments only this Proposition brings a significant move towards voter equality while still recognising the need for Parish representatives, ultimately bringing

us all closer together. It is essential that we show our commitment to reform and, as numerous debates over the years have proved, this can only be achieved with a compromise from all those involved. There are risks that ultimately the Constables will be voted out of the States by a future Assembly but it is their responsibility to ensure that their value is recognised and to prevent this from happening. Please give electoral reform a chance and support this Proposition.

### **2.5.3 Deputy K.G. Pamplin:**

As I mentioned earlier today, I only ever intended to speak once and as brief as I possibly could on the main proposal for a couple of reasons. Mostly because a couple of weeks ago in the main debate of the Proposition about Overdale as the hospital, I ended up being very disappointed in myself for not speaking in that debate and I wanted to show that I had learned from that because I regretted it. I was not going to speak in the debate but you learn on this job very quickly. Also because, as I also mentioned earlier, mostly because while this is technically public business it is in the background of what we are all going through as an Island right now. So we must respect the process but of course be very mindful. The story of the Island's rich history of democracy against the background of the everchanging pull and demands of the world we now live in, I guess like the famous tides around the Island, has been one of conflict and indeed change. The good and the bad. I guess starting right back in 1933, a fierce embodiment of Island independence that would be seen through its political history right here in this Chamber, public places, in backs of taxis, restaurant tables and homes across the Island. We are, as I believe many other places in the world, a perfect example of the phrase. What is amazing is that despite all the conflict our human experiment in democracy has worked better than any other alternative idea. One example that has sprung to mind after the excellent contribution of Deputy Perchard this morning, there are currently 13 strong sitting female politicians in the current Assembly, which is the most yet in this Island sitting Parliament. It is worth nothing that since the constitutional change back in 1948, after the Occupation, which also saw the first ever female elected, 344 men have sat in this Assembly compared with only 44 women. So progress may be happening but it is never that simple. Clearly, we have got to keep that journey going. As referenced in other speeches for the last 2 days, the recent 2000 election, as we know, was observed by the Commonwealth Parliamentary Association to review our election process. Their report factored many issues and many things they observed again, the good and the bad, but they also highlighted the overly complicated and cumbersome nature of the system, which may have affected voter turnout and potentially undermined the principle that the elections in Jersey are fully genuine. A further piece of research, which was carried out on behalf of the States of Jersey a couple of years ago, found that the desire to participate in political life in Jersey here is low. This, they say - and again as I have been reading - is driven by an impression that the States Assembly are disconnected from the general public and large and somewhat old-fashioned and confusing. Although it was noted, rather interestingly, democratic. Respondents to that piece of work also claimed their interest in the States Assembly but are disengaged due to a lack of connection with the Assembly, the Members and their awareness of how it works. They go further, stating a need for clearer ways of informing the general public about the decision-making process, the outcomes of the States Assembly deliberations. Simply put: make it simpler. The world in 2020 is a very different place to the one back in 1933, but is it not curious that democracy is still present and the idea, I believe, that it is not perfect. Could it be improved? Yes, 100 per cent. Because through democracy we have moved on as a society but, sadly, not as timely as we would have hoped. Jersey, its Parliament, no different, the right to vote, the right for women to have the vote, human rights, discrimination laws all in place because of the democratic process. However, more and more society and people are no longer being defined by the colour of their skin, their religion, gender, or even their politics, but they want to be represented fairly, equally, effect change, have a voice in their community. Perception, I have always believed, is vital. But so is our evolved community around us. These things, I believe, work both ways. As history has shown, this Chamber can make changes that meet with the fast, modern world beyond its shores. We have proved that this year. Some might argue not fast enough. It could also be argued

that some folk with responsibility is afraid or are afraid of the consequences of error. But, as I have said many times, from that speech I have often quoted this year, the greatest error is not to move. The greatest error is to be paralysed by the fear of failure. We can simply correct that error and that perception, I believe. What I can tell my friends and fellow Members is that this plucky 9 by 5 Island, which I love dearly, has many times stood up and punched above its weight, to always do what it believes is best for its Islanders. Democracy is maintained, stood firm and especially during those Occupation years. Policies and laws have been improved and we have all played our part. Most important, and at the end, and it all comes down, we put our differences to one side and work together, respecting any democratic decision to move on. As a Jerseyman saying that, we do not find that so easy. Finally, you can preserve your constitutional history in a modern way that reaches out to all folks. That, with it, can bring more meaningful connections that could inspire better equality and engagement with the hope that people can once again have faith in us or whoever is elected. Their elected representatives. That democracy can be meaningful and fairer. So I believe, after listening to the debate, doing my own research, talking to both sides, I think this is in our grasp at this moment. This Assembly, at this moment, that aim in front of it, that could bring that equality and fairness and to try to make a positive aim, a difference, to reach out but then in turn reach in, like the tide. So I ask Members to think hard, come to their own conclusions what they think is best, but hopefully to support the Proposition in this year of years.

#### **2.5.4 Senator L.J. Farnham:**

I have been accused several times over the course of the debate of being just simply against progress, against this. I never ever think of myself as being against things. I am always for things, I am for achievements, for progress and for moving forward. I worry that simply because many of us I know are just feeling worn down by the non-stop attempts to reform ourselves, and I genuine worry that because we are worn down and sick and tired of it, and we have argued we have far more important things to be getting on with at present, that some of us will just throw our hands up in the air and say: "Look let us just go with this and get it over and done with." I ask Members to think carefully, to think deeply about whether this will be progress, whether this change is the right sort of change. But nevertheless, I undertake to abide by the democratic decision of the Assembly, as I am sure we all do. We have to also make sure that we are acting in the best interests of all of the Islanders and our electorate and remember our promises and just think about how Islanders will want us to vote here. We know there are a number of views but I firmly believe that Islanders want the right sort of reform, not just reform for the sake of getting something over the line. I am disappointed that we did not agree to have a referendum on this with a yes/no answer. We could have had a chance to redeem ourselves slightly by doing it properly this time. I believe that Islanders would have thrown it out, I think if we were to go with the P.P.C. Proposition. I am not sure that would have gained the favour ... I am pretty sure it would not, but there again we will never know now. I also want Members to understand, and I think the Constable of St. Peter alluded to it, that if Senators go the Constables will surely follow. We all know that many of the Members that are supporting this Proposition and are talking about keeping the Constables in ... Senator Mézec, for all we disagree, I think is always honest in presenting his views. He said he was not a fan of retaining the Constables but would do it on this occasion for the sake of compromise and progress. I understand that but be under no illusion that if we lose the Island-wide mandate the Constables will surely follow in a quest for that perfect voter equity that really I do not think suits itself to our unique Island identity and electoral system. Secondly, I would like the chair of P.P.C. to justify the removal of the Island-wide mandate. I would like him to justify that to the Assembly in his summing up and explain how this can improve our democracy, how can this improve our democratic structure. The Senator is the most democratically-elected Member of the Assembly, elected by the whole Island, so please could he justify the removal of the Island-wide mandate to the Assembly, explain why it is no longer necessary or relevant in the modern world. I would like to finish there and thank all Members who have contributed. I look forward to moving forward in whatever fashion that takes, hopefully it is the right one.

### **2.5.5 Deputy S.M. Ahier:**

Our electoral system has not changed since the late 1940s and it is high time that it was brought into the 21st century. We need to be a bastion of the principle of equal representation and must remember that we voted by 28 votes to 18 for part (a) of P.126, which stated that fair representation and equality in voting should be the basis for any reform. Many of us will doubtless have to compromise to ensure that some progress is made. Some Members have voiced concern that their new district will be too large to thoroughly canvas. That they are in large districts will allow them to find new supporters in the knowledge that their voters from 2018 will remain their constituents. The only Members at risk of losing support of constituents will be those who stand in St. Helier districts 2 and 3. However, District 2 is represented by Reform, which has pushed for electoral reform since its inception, and I am personally a Deputy of St. Helier District 3 and 4 and believe that electoral fairness should come before political self-interest.

[16:45]

The one downside of the proposed amendment is if it is passed it is unlikely that any of the Constables will ever face a contested election again. Multi-seat constituencies will encourage more potential politicians to stand as Deputies, and I envisage an increase in the number of candidates but the 2022 election, but there will be no such motivation to stand against a sitting Constable resulting in their positions being even more entrenched than they are today. On a more positive note, St. Brelade and St. Saviour will vote as whole Parishes for the first time in many years, which I believe will increase their turnout and prevent the large number of uncontested elections which they have had in the past. The overall proportionality of population to number of seats will be equalised for the first time in our history. Change is not made without inconvenience and we must all embrace this change no matter how much personal adversity we might face in doing so. The Chief Minister said earlier today that he wanted to make a small step forward. I believe that today we can take one giant leap forward to an electoral system that we can all be supportive of. This is a momentous moment in Jersey politics which we should all be proud to be part of. Let us lay self-interest aside and vote for a compromise solution which the people of Jersey want. Let us finally vote for change.

### **2.5.6 The Connétable of St. John:**

I am very sad that this Proposition has been brought at this time. Senator Gorst agreed to withdraw his Proposition earlier this year, which this is based on, so that a working party could be set up to look into the issue. I know none of us ever expected COVID to come and its abhorrence that it has done to this Island but it is only right that we should allow that working group to report, which it has not been able to do. We have had many, many propositions about reform and I think that we need to do what my mother always used to teach me. Start with a clean piece of paper. Start from the beginning. What exactly do we want to achieve? We have not examined a number of issues and here I congratulate the Constable of St. Clement who brought, what I thought, was a very good principle but it needs refining, which was why I could not support it. If he was to have one type of politician, still allow the Constables to stand, but how that would work? I was not clear but also, to go further, one of the merits or alleged merits of this Proposition is that we are having multiple candidates in constituencies. The chairman of P.P.C. has said: "This will encourage higher voter turnout." The facts do not support that claim. We all know that St. Helier, with their multiple candidates in each district, has the lowest turnout so we are pursuing what we know has the lowest turnout, and that is not good for democracy. What research has been done on single-seat constituencies so that St. Helier would have 9, 10 or 11, or whatever number of districts necessary with one seat in each? Now that has not been looked at and it is sad that we are here today being faced with a decision in which the alternatives have not been fully researched. The advantage, going back to the Constable of St. Clement's Proposition, was there was one type of candidate and I think most of us realise that this is the thin end of the wedge of moving towards a one-candidate form of Government. Get rid of the Senators now and, in 4 years' time, we will get rid of the Constables and

there we are; we have achieved what some people wanted but not necessarily what the public of this Island wants but then we are not going to ask them, are we? There has been a lot of mention about the Venice Convention and I think one needs to understand how Europeans work, which is very different to how the English and we Islanders work. The only way you get the European Union to a convention and to all agree to it is to provide a convention that is full of compromises. On the one hand, the Venice Convention says you must have constituents of equal size. That is in voter numbers. Then on the other hand, they say historic boundaries must be respected. There is the contradiction and it is only through these contradictions that they are able to produce a convention to which all member states sign up to so I am afraid quoting the Venice Convention to me holds very little water. There has also been talk about the recommendations of the observers mission. They may have made recommendations but they are only observers and these are not recommendations for change. They are recommendations to be observed. In other words, to be looked at. I was also very interested in Constable Jackson's comment about the observers and I conclude exactly the same as him. They came here for change. At a meeting, I challenged the Dutch member of the Commission when he said that, essentially, we should get rid of the Constables and I said: "But the people of Jersey say they want the Constables. We have had a referendum and it is the wish of the people of Jersey that should be respected." His response, quite frankly, was repulsive. He said: "It is up to you to educate the people of Jersey." I think that happened in Germany in the 1930s and we know what happened there and that response from that observer was thoroughly, thoroughly repulsive. I had a very good conversation with the Chairman of the observers' group when he came to St. John. I sat beside him and we talked about Jersey and our history and about elections. He turned to me at the end and he said: "What you have here in Jersey is very, very special but you are going to have to fight very hard to keep it." I promised him that I would fight very hard to keep it and that is what I am doing today. I believe this topic needs to go back to square one. We need to decide are we going to have multiple or single-seat constituencies, districts, Parishes, call it what you will? Are we going to have one, 2 or 3 classes of candidates? The other question we need to ask is how are we going to determine the size of constituencies? Is it by population, is it by registered voters or is it by actual voters, all 3 of which are recognised by the U.N. and by all the various organisations? So what method of calculating the size of constituencies are we going to use? As I said earlier, if you start with a clean piece of paper and you make these decisions in a chronological order in a simple, straightforward way, you will come out eventually with the right answer. What we are trying to vote on today is not the right answer. It is a package that we have debated so many times simply with a different wrapping paper around it. This is an opportunity to go back to square one and to do it properly and I urge Members to reject this proposition.

### **2.5.7 The Connétable of St. Helier:**

I think that even Members who do not agree with the Privileges and Procedures Proposition and even Members who are tended to vote against it would want to distance themselves from much of what was said by the previous speaker. Do we really want to go back to square one? Do we really want a clean sheet of paper? Is everything that has been done to try and reform and make fairer our Government to be thrown in the bin? I was reminded while the Constable of St. John was speaking of a certain president of a very large country on the other side of the Atlantic faced with election defeat trying to find reasons for explaining why in fact he had won the election which, to most of us, we thought he probably had lost. There is a refusal to face reality in the speech that we have just heard that is, I think, quite disappointing. I am pleased that the Constable of St. John mentioned the Commonwealth Parliamentary Association observers at the last General Election and the remarks made by the Constable of St. Brelade in which she described them as "unpleasant". I believe that that was an unfortunate remark and I believe that the Constable of St. John has added to that denigration of the C.P.A. in a very unhelpful way. It is not my place to apologise to the C.P.A. for that but I do certainly want to distance myself from what has been said and to say that I thoroughly welcome their work. I welcome their observation of our elections just as much as I welcome the

international scrutiny that our financial services industry welcomes because we want to be best. As I said in a previous speech, we want to be best at what we do in terms of business and we want to be among the best in terms of what we do as a Government. The speakers that we have heard against the proposition so far have reminded me of worms wriggling on a hook and that hook is about fairness. In the Constable of St. John, we have a Member who is so aghast at the low turnout in St. Helier that he thinks that St. Helier should have fewer seats because fewer people in St. Helier vote and he says that is a recognised way of apportioning electoral seats. It is not a way that I recognise. The fact that St. Helier is disenfranchised and has been for years might that not be a reason why many St. Helier voters simply do not go to the polls because they know, and they have been told, that their votes are worth less because they live in the capital? It is much better to live in St. Mary and St. John where their votes would count for more. It is quite a bizarre notion. I want to focus on the Constable of St. Peter's speech, which I thought showed a real maturity, that what we are hoping for as we conclude this debate is that some Members, in spite of their concerns, will be willing to reach a compromise.

[17:00]

Rather than turning the clock back to Clothier, going back 20 years or more and saying: "Let us start this process again because we cannot find a way that suits us", I think they should embrace change and be willing, as the Constable of St. Peter is, to move forward with the compromise that is being suggested. It is quite wrong, again, for the Constable of St. John and I think for other speakers so far, to say that this proposition will get rid of the Constables. The whole point of this Proposition - and some Members supporting it have had to hold their nose while they do so - is that it does not get rid of the Constables. It keeps that automatic right of the Constables to sit in the Assembly so what on earth is there to object to from my fellow Constables? Here is a way to keep those seats in the Assembly and to respect the outcome of the referendum on the role of the Constables. I want to turn finally to the excellent speech made by Deputy Ahier. He pointed out that, while uncontested elections for Deputies will be a thing of the past, there would be very few for Constables because, clearly, Deputy candidates would feel safer going for a multi-member seat. I want to offer a very simple solution, and it is one that I speak of from experience having contested the role of Constable in St. Helier 3 times but having been uncontested 7 times. I think the mistake that we made when we agreed a general election is that we forgot that, by and large, the best candidates for a Constable are going to come from the ranks of the Deputies in that Parish. Those are the politicians who have learnt the ropes, who know how the Parish system works and are ready to step up to being father or mother of the Parish. I tried that as a rather overambitious and overeager Deputy after 2 years as a Deputy in St. Helier and I failed. I tried again after 5 years and I succeeded and I was able to do that 5 years and 2 years into my time as a Deputy because I did not have to risk losing my seat. In other words, what I am suggesting is that we consider making the Constables election on a different day from the Deputies elections, allowing the Deputies to have a shot at the Constable seat along with other people to see whether they can get that without losing their role as Deputy. The Constables can do other things as well to strengthen their position. I have long felt that the Constables meetings should be open to the public. There should be A and B agendas. Indeed, St. Helier Roads Committee opened up to the public in 2001 and, so far, no other Parish has followed our example. The Constables have to be more open and transparent in the way we do business and then people will understand far more about the sort of business that we do as Constables and maybe our roles will be more attractive and even maybe our Deputies will then feel more empowered and more encouraged to have a shot at our seats. I do hope that Members will accept that the States does not want to run back and it does not want to accept reasons for refusing change. The overriding principle of fairness, which has already been approved and must be the most compelling reason for change, is within our reach and I would urge all Members to embrace it.

### **2.5.8 Deputy G.P. Southern:**



I want to quote: “O frabjous day! Callooh! Callay!” What a magnificent opportunity we have given ourselves after 3 days of debate solid but we are not there yet. Let us not let this slip. Here is an opportunity to markedly improve and get our electoral system more progressive. People cannot see me. My image is up there but they cannot see the big smile that I have on my face because, for me, this is one of the best days I have had in the States potentially. Just an inch away. Let us have a vote on this particular set of changes which makes our electoral system much more smooth and easier to handle. I heard earlier a previous speaker talking about compromise in some sort of negative way but I point to him and say: “Politics is surely the art of compromise. That is what we do to make progress.” I will say this. I am looking forward to working alongside the Constables to achieve more meaningful improvements yet. I go back to the list of my best days. I am thinking about, surprise or otherwise, wins that I have had so redundancy pay was an early one for me and an important one. Millennium Town Park, again produced by my total obstinacy to give up on it, but a great day. The passing of the Discrimination Law (Discrimination (Jersey) Law 2013), a surprise one that came at the end of term in July when everybody got a bit tired and wanted to go on holiday but I got that through and it has been going strongly ever since. Then most recently the living wage and the acceptance of the States of the living wage. I think they all mark progress in what I have been doing and make me feel glad that I am a politician still. Today’s electoral reform, I really never thought I would see significant change and the potential for that significant change working together with the Constables I think is a wonderful day, so I am preparing to go home with an even bigger grin on my face thinking: “We have at last done the right thing.”

### **2.5.9 Deputy G.C. Guida:**

I am quite ready to face reality. One of my mottos is “adapt and overcome” so to do that I have a few questions for the Chair of P.P.C., and I think he should grab a pen because they are quite precise but we know this is going to be a very big change and we need to prepare now. So the first question is: where will I be allowed to put my posters because I have about 100 now and they fit very neatly on the St. Lawrence posts with only 3 people or 4 people running? But of course if there is about 15, like there would be in a super-constituency, first of all, I need 300 posters because it is 3 times the size and I would need to put them among other posters. So I need to have a clear idea of how many more I need to print and how big they should be. It is quite important to me. Also, we only have a month for campaigning and, frankly, a month to knock on 2,000 doors is quite a stretch, a month to knock on 8,000, is going to be very, very difficult. Could we have 2½ months, something like that? I use an electric bike so it is very, very convenient, very great to go from house to house but it still takes a while and I really, really want to meet my constituents, my new constituents and my enlarged constituency. So I really need an answer to the question: could we have 2½ months for campaigning because that is quite important? Hustings. We saw how successful the Senator hustings were so I hope we can have the same. I hope we can have hustings with 15 or 20 candidates showing up and fighting for the 5 seats and all answering one question in 2 hours. So it is quite important to know if we can have those. I would love to do that answering one question instead of about 25 like we had in St. Lawrence the last time. It will be so much easier but I need to know whether we are going to have that. This is quite important. Yes, and those hustings, where are they going to take place? Which Parish is going to sacrifice to have the joint hustings for the super-constituency? So that is quite important. Talking about sacrifice, what about the volunteers? So right now, the elections are almost entirely run by volunteers in the parish. Of course, now that we have the super-constituencies, we need super-volunteers or something, so I need an answer here. I really need to know and I am sure that the Constables in those unfortunate Parishes that have aggregated together will want an answer on this. If people do not show up because they are not really interested in electing super-politicians, will the States provide volunteers or paid members of the public or something to run the election because that is quite important to me as well? Budget: so a maximum budget for St. Lawrence was about £2,200 last time. We have 3 - 4 times the electorate. I suppose £10,000 to £15,000 would be okay and of course the additional posters. If we can then put posters and ads on

T.V. Ads on T.V. are really expensive so that will be £15,000. That would be my choice. I think £15,000 would help me run a campaign really, really nicely so if I could have that please. Please confirm what sort of budget we will have in super-constituencies because about £2,000 is really, really not going to do it. Parties. We have to go to parties and, again, that is another one. I am ready. I have my party ready. Can I have £0.5 million because parties need to spend money in-between elections? You have members and you need to take care of them, you need an office and you need people. You need the writing team to work on your manifesto and all that. Can I have £0.5 million? Is that okay? Can I run my party with £0.5 million? This is quite important to me. I would really, really like to know the answer to that. That is about it. If you could answer all of this for me, Chair of P.P.C., I am ready to go. I love this.

### **2.5.10 The Connétable of St. Ouen:**

I would just like to start by saying that I am with Deputy Southern and it is not often I can say that. We are on the cusp of being able to honour a promise to those people who voted in the 2013 referendum and deliver what they voted for. I would just like to make a couple of oblique points. I think, firstly, I would just like to talk about the Guernsey election and much has been made of this but it does need to be taken in context. In order to vote in the Guernsey election, one needed to register and in the last election, at least 31,000 did this. This number has been consistent for at least the last 5 elections. However, this broadly represents only 58 per cent of those who were eligible to vote and indeed 80 per cent of those, as we know, took the trouble to vote. When compared to the total number of those who were eligible to vote rather than those who were registered, this represented a turnout of about 45 per cent of those who were eligible to vote. This broadly compares with our Senatorial turnout of about 43 per cent at the last elections in 2018. As we know, Guernsey had an all-island electorate at the last election but more telling, in 2016 and 2012 under the old system of district Deputies, a similar number of people registered to vote but indeed a 70 per cent turnout of each election was achieved. So while everyone has been getting very excited about Guernsey thinking that some sort of revolution has taken place over there, it is an improvement but it is not really an earth-shattering revolution. The point I am making is, aside from the change to the way they elect their politicians, one saw this for the first time with the emergence of party politics in Guernsey. While some parties did better than others and, indeed, one party did appallingly, it is a pointer to the way forward and perhaps the real reason why voter turnout has improved in Guernsey. So I am convinced that part of the reason for our voter apathy is that voters are not sure what they are supporting when they vote for a candidate and indeed whether they can achieve what is in their manifesto. Aside from Reform, our current Government is made up with independent Members and with wildly diverse views on the way forward. In my view and, I have to admit, short experience, it is not a recipe for quick progress. A common agreed approach from Government with pre-agreed party politics should achieve more progress in a shorter time. The States does have something of a reputation for underachieving, which I believe breeds a degree of voter apathy, and I have quite often heard it said: "Well, why vote because nothing will change anyway?" So, in my mind, the big change party politics would bring to that is that, once elected, the party with the majority could get straight on with the job and all its strategic aims would be largely agreed before taking office. A Strategic Policy and Government Plan could be quickly drawn up and the business of implementing a party manifesto commenced. I am sure this would be much quicker than the current progress, as a necessity to gain agreement on the way forward would be much quicker as a common manifesto would already be agreed. It would not be necessary to corral a multitude of differing views and, in my experience, it is a bit like herding cats. So whether you support Reform's views - and I think they probably know that I am not their greatest fan in terms of their political leanings - all their candidates have the same mandate and they are consistent in trying to achieve it and for 5 members, they do enjoy a degree of success in that respect.

[17:15]

Voters who vote for a Reform candidate know exactly what they are getting for their votes so, for me, this is a pointer for the future of Island politics and I hope that more Members are inspired by the Reform example and grasp the nettle in forming parties, and indeed we get to a stage of having party-led Government. I think this, combined with the proposal we have in front of us, will help to resolve the uncontested election issue. I am very pleased we have passed the Constable of St. Martin's amendment, which I think provides a useful backstop for that problem but I think it is much better if people stand and contest seats. Indeed, if we have party politics, that should be the case because any party wishing to gain power needs to maximise the return of its elected Members, and I think we will see that happen. So, in short, all organisations must change and that is something that is drummed into you if you have a business background. You cannot stop. There are only 2 ways, either forwards or backwards, and I believe that we are faced with one of those moments now. We do need to take this next step. It is a step that has been agreed at a previous referendum and I believe that the public will support us. I am happy that the Parish system, if we pass this, will be entrusted with the Constables who will be in good hands and I believe that, as a group, we will make ourselves relevant and we will learn to work with the Deputies and make Parish-level representation worthwhile and indeed more transparent and more democratic. Despite some criticism from certain parties, certainly at St. Ouen, this is what I am trying to do. I think voter engagement is made-up of 2 things in my mind. Now, firstly, what we have in front of us, which is more equal representation and, secondly, party politics. Voters need to know what they are getting when they vote and they need to know that the party with the majority will get on with government and get things done that we all know need to be done. So I will be supporting this proposal and I urge other Members to do so because it is a step that we need to take. We need to move forward, we need to get greater engagement with our voters and this is the way that I think we will do it so I will be supporting P.P.C.'s proposal.

#### **2.5.11 Deputy K.F. Morel:**

I am pleased to follow both the Connétable of St. Ouen and Deputy Guida as I speak because they have both touched on aspects that I think are entirely pertinent to today's debate. People may notice, as I am someone who often speaks in the Assembly, I have been fairly quiet these past 2 days. Plenty of people have spoken over and over again and dragged us through days of debate. Perhaps it was necessary or not necessary. I do not know. I find myself essentially torn on this particular Proposition and it is because it is a head and heart thing, as it so often is. I love representing St. Lawrence. I try to represent St. Lawrence to the absolute best of my ability and I believe for the 5,000 to 6,000 people who live in St. Lawrence I would like to think that they know that I am approachable, and that is certainly something that I campaigned on, and I try to be entirely approachable. They know who I am, they know who Deputy Guida is and they know that we are there to answer all their questions, to help them where we can and to speak to them about our views and their views. That is entirely manageable within the Parish size of St. Lawrence. That will be less manageable in a large constituency in the case where I would be standing in St. Lawrence, St. John and Trinity. There is no question that I believe that the quality of representation is likely to be diluted by moving to larger constituencies. That, for me, is a problem and one of the issues that vexes me right now. Another concern I have is, as Deputy Guida has pointed out, that this Proposition, which looks on the face of it like merely electoral reform ... I use that word not lightly but I should not have said "merely" but it looks like it is just electoral reform. That is all it is. It is actually not, and this is where the Connétable of St. Ouen was absolutely right. It is opening the door to party politics and that is one reason. It is not the only reason because I truly believe that Reform Jersey is led principally by the issue of both equity and absolute fairness. It is interesting and I note that other people I know who are involved in parties are quite excited about this because this does open that doorway because, at the end of day, as Deputy Guida was pointing out, to try and get around 11,000 households or 11,000 people in 6,000 or 7,000 households in a 6-week period and to have the money to do that as individuals is going to be extremely difficult. I think that is another issue that vexes me is the money. At the moment, it costs us money to stand as individuals. That is money that stands in the way of

people standing for election, I guess, and of course individuals are going to be less likely to be able to stand for election because to canvass across 3 Parishes is just going to be beyond the budget of many, many people. So the only way to overcome that will be to organise in parties where parties can be supported by donors and, in fact as we saw in the chat earlier, can even invite unions to campaign against other candidates, which was a slip I am sure that Reform Jersey did not expect to publish to us all today. So this electoral reform before us does a lot more, in my view, than just voter equity. It absolutely changes the nature of Jersey politics for the long term, and those are the things that I am finding very difficult to get to grips with. However, on the other side of the equation is voter equity and it is a really, really important principle. There is no question at the moment that voters do not have the same power in their vote, depending on where they live in the Island. That is a problem and it is a problem that Jersey needs to be very aware of. We need to find a way to make sure that everyone has the same weight in their votes, regardless of where they live or regardless of who they are, and this proposition does help with that. This Proposition, unfortunately, also does not do many other things and I think the Connétable of St. John was quite right in pointing out that P.P.C. have brought this ahead of a working group that is meant to be working on this matter. They brought it ad hoc essentially because of the Guernsey election I believe and they see that as a way forward. The Connétable of St. Ouen was absolutely correct. In the Guernsey election, the 80 per cent stat does not give the full story. The statistics in the Guernsey election were about 45 per cent of eligible voters. It was much lower than 80 per cent. That was just those who registered and then did move to vote. I am concerned. Can I represent people as well across 3 Parishes as I do one Parish? No, I cannot. Can I campaign as well across 3 Parishes as an independent? No, I cannot. Therefore, I am likely to find a party or help organise a party in order to be able to do that, so it definitely changes Jersey politics in that way but voter equity sits there. At the moment, I am minded to support the Proposition on that basis alone because of voter equity and the fairness that we do need to bring to people. I also want to add, by the way, I do believe that we are likely to see more candidates as a result of larger constituencies. I do not believe we are likely to see a greater turnout as a result of larger constituencies. I believe one of the big reasons for the lower voter turnout is, and I have said this before, that there are plenty of people for who Jersey is a place they are either passing through or perhaps they have come here with a view to staying here for a year but they end up living a long time here. They do not buy into Jersey politics in the same way that they have bought into in the place where they grew up, and I think that is one of the main reasons. We have not shown to people who are newer to the Island the importance of our political system and how they can become involved. So I do not think that we are going to see any great new turnout as a result of passing this amendment today but I think we probably will see more candidates. Those candidates will need to have backers, those candidates will need to be open about who is funding them, they will need to be open about who they are in league with, so to speak, because that is probably what is going to happen. This will probably mean the end of independent candidates in Jersey and it will probably mean the beginning of party politics in Jersey. I must say - and this is with a wry smile on my face - I have noticed a lot of Connétables speaking in favour of this Proposition, and I know there are some who are against it but I have noticed a lot who are in favour. Of course, it is easy to be in favour of something that does not affect you and so I cannot help but note that fact. It is only Deputies and of course Senators, and I understand why Senators will be deeply affected by this because Senators are going to have to find themselves a new home. There is a big argument for the Island-wide mandate but, equally, in an area like St. Lawrence, St. John and Trinity, we have 4 sitting Deputies at the moment. Obviously, the Chief Minister is a Senator who was originally a Deputy in St. Lawrence so I would suggest, as I have not spoken to him about this, that he is likely perhaps to look at St. Lawrence, St. John and Trinity as a place to go for election which clearly means we will have an increase of candidates in that area. That is going to happen across the board with all the Senators. They will have to refind their home and I can understand that is going to be difficult for them, especially those who have been Senators for a long time and perhaps do not have the roots in a Parish that they want to have as many of them were originally Deputies. So at the moment, I am still

listening to the debate. I cannot get past the voter equity part. That ultimately is a really important principle. I just wish P.P.C. had not just thrown this at us, that they had done more work on it and covered it in a more rounded way because we do not understand how funding is going to be provided. I think they really have to work on that because if they want independent candidates to stand, I think there is going to have to be help. Otherwise, we will end up in another situation where only the wealthy can stand, especially if parties, for whatever reason, do not take hold. The other thing I just wanted to mention was I do not think I will be supporting, I am pretty sure, the independent Boundaries Commission element of this, which we must not lose sight of. The reason for that is one thing that I find acceptable with this Proposition is that it is loosely based on Parishes and it is still based on the Parish boundaries. I think that is a good thing. An independent Boundaries Commission, by its nature, would not be able to maintain that link to the Parish boundaries and so I do not think I can support that part of this. I do ask that it is taken as a separate part because that would then remove any link to the Parishes, and that is a big problem for me. There you go, I am still listening, I hope to hear more but, yes, the Connétables can sit tight and vote whichever way they like. It is a nice place for them to be. Thank you very much.

**The Bailiff:**

We have reached the part where Standing Orders require that I ask the Assembly whether it wishes to adjourn at half past or to continue. I have one Member indicating a desire to speak at the moment but the adjournment is proposed so is the proposal for the adjournment seconded? **[Seconded]** Does any Member wish to speak on the question of the adjournment? No one indicates a desire to speak. I will take the adjournment as accepted on a standing vote and we will adjourn until tomorrow morning. Does any Member wish to speak? Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning

**ADJOURNMENT**

[17:30]