

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 2nd FEBRUARY 2017

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[9:32]

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

**PUBLIC BUSINESS - resumption**

**1. Composition and Election of the States Assembly (P.133/2016): second amendment (P.133/2016 Amd.(2)) - resumption**

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

We resume the debate on the Composition and Election of the States, the second amendment, which was moved yesterday by Senator Farnham and seconded, I believe. Does any Member wish to speak on the amendment?

**1.1 Deputy R.G. Bryans of St. Helier:**

I hope Members will bear with me. At 4.00 a.m. this morning when I woke up I had a fantastic speech in my head. It was full of rhetoric, it was full of wit and wisdom and then I went back to sleep again and I woke up with the ghost of the bare bones of a speech. It will not be the one that I was hoping to give to you. But I feel it is necessary both as a town Deputy and a Minister to explain to the Assembly the reasons that I will be voting in the particular way that I am. I spoke just before we left the Assembly last night to Deputy Martin and she was ruminating on the notion that the super-constituencies will create some strange bedfellows and I thought: "Yes, it is going to create all manner of differences should Deputy Lewis' proposition go through." But for me, rather like the Chief Minister - and I think we both align in this - this will provide a brand new set of new opportunities. I do not like the name super-constituencies, I do not see anything super about them. Super-size? Not really. I see them as jointed constituencies. I know there are a lot of people. I got spoken to last night on the way home by somebody who said: "Is this the destruction of the Parishes? Is this what you are contemplating?" **[Approbation]** And my answer was: "No." **[Laughter]** It was a form of progression. I then spoke, as I walked away across the Square to the Constable of St. Martin, and I said to him ... I expressed the point of view that this may see, depending on which way it goes, the loss of Senators. In his usual way he said: "Oh well, that provides another opportunity." Absolutely right. We then started to talk about Brexit. Brexit, I think... like lots of us in this Assembly, we were devastated when we woke up to hear that the U.K. (United Kingdom) had chosen to break away from Europe. I feel European, even though I now, having been on this Island since 1976, almost an adopted Jersey Islander, I feel European. We are so close to France, and we love what it represents in all of its different guises. Now as we look at Brexit, I know they are still struggling. The politicians are struggling terribly with the concept of what they have to do and the enormity of it was made public to me when I attended a British-Irish Council conference with Senator Gorst, the Chief Minister, and Senator Bailhache, but I was hugely proud that sitting with both those individuals we were the only people sitting round that table - and that was with Wales, Scotland, Northern Ireland and the U.K. - that had a plan. That plan was down to Senator Bailhache and Senator Ozouf, and various people with their officers, working ahead of time asking the question: "What if?" So we had a plan. The U.K. certainly did not have a plan. But what has happened since then, and we have seen the evidence of it, there are still a great deal to go, we have seen the pound devalued in some way, is the new opportunities that are being presented. That is the point I really want to make. The other reason for rising today is Senator Ozouf's challenge in the sense that we have not got up to state what was going to be the difference, where was the argument, where was the debate in relation to Senators? What was the real reason for keeping Senators? When I speak to the public, and I, like Deputy Lewis, pressed the flesh as I went round on 3 election occasions canvassing. Not once - not once - did I ever have to discuss the composition of this Assembly. All they ever wanted to know from me was, was I, as a candidate for them, placing their faith, their trust, their hope in me is that we can take ourselves

through a better place. It was never about Senators, it was never about Constables, it was never about Deputies. I think we are moving up. We are progressive. I would call myself a democrat. The public really are fed up with us. They are fed up with us constantly churning this over. I have just heard one of the officers saying: "Clothier: is that not 'cloth-ears'?" Constantly we seem to be coming back to this point. I think we have reached today a tipping point, in my mind. I am one of those individuals that holds both the role of Deputy and of Minister, and I covet those roles. I really sincerely say that as you walk between these 2 worlds I put all my energy, all my concerns, all my thoughts, into delivering the best I can for this Island. I am constantly reminded of that. Just the other day I had a phone call late at night, and it was a constituent and I live in my constituency, like Deputy Mézec now does. I was round there as quickly as I could and we resolved the issue. In this particular case, as it turns out, it was just a parishioner that really, when I got through to the bottom of it, was lonely. That is the thing that is killing our parishioners on this Island. Loneliness. I sat and I listened for a while and again the conversation moved to politics but once again at no point did she never mention the composition of this Assembly. I did tell her the sort of things we were talking about. So I think we have a right, and I was reminded of a situation when I first went for election and did not get in. I was down at Springfield, like we have all experienced, on a cold November day, and a car pulled on to the apron in front of the Springfield Sports Stadium, a taxi. An old lady started to get out. I went over to help her and she grabbed my hand and she looked at me and she said: "Do you know why I am here?" And I said: "No, I have no idea." She said: "I have come to vote for you. I am really sorry." I said: "Why?" "Because my husband cannot make it too. He is ill." This woman was from St. Ewold. I was in a nanosecond humbled like you would not believe. I have never forgotten. I have never forgotten the testimony of that individual and the hope and the faith that she put in me as a politician to stand here in this Assembly today. I carry it with me every time I press the button. The faith that she put that I will make the right decisions. Occasionally within this Assembly we start talking about democracy and it gets waved around this Assembly like a loaded gun, like some people have the sole right and ownership of democracy. They do not. I will give you an example of democracy. Next Assembly I have a vote of censure against me.

[9:45]

But today I am putting that vote of censure aside and with the Reform Party, who have signed this vote of censure, I will be siding with them because I think Deputy Lewis' proposition is the right thing to do. That is democracy. That is why I sit in this Assembly. So I am a democrat. I am humbled by the position that I hold. I work as hard as I can in both areas and today I think we are voting for progression. That is why I totally believe that when I vote for this, although I do understand there are people who will cry about the demise of Senators, I think it is a move in the right direction. I will be voting for this proposition.

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

Just a few things to consider before we finish. I was interested that the Minister for Education feels European having been in Jersey since 1976. I came over in 1968, so I have a few more years towards my bean-ability. But he says he feels European. If you consider the history of Jersey I would say the native Jersiaise are more world citizens, not just European. The super-constituencies I still feel are an attack on the Parishes and this is the sort of tenor of the comments that are being made to me. Centralisation increases costs. Just look what happened to welfare when it was taken away from the Parishes. The health charge was going to be a similar set up. It was going to be based on the all-Island rate and go centrally. As a natural consequence, we would lose the local accountability of the Connétables as things become more centralised, as they will do. It would be far better... and the comments again that I have heard are that people would prefer to have all-Island representatives and the Connétables; say 31 and 12 Connétables. As we said yesterday, the

next elimination will be the Connétables or will it be the Troy Rule. I know there are Members here who are only too keen on getting rid of the Troy Rule. Finally, there are a lot of voters over here who like the all-Island vote because it enables them to consider they have participated in the vote for the Chief Minister. Now there are not many democracies where you have a chance to vote individually for the operational head of the Government. Not the President. I mean in most cases that is just a position. It does not have any power. But the Prime Minister, the Chief Minister, does. That all-Island vote gives you the chance to have to at least feel that you have had a hand in deciding who should be Chief Minister. What we are doing is taking away a piece of democracy, not adding to it. So really I think there is a good case for keeping the all-Island vote. I hope Members will consider that.

**Deputy G.P. Southern:**

May I ask for a direction from you, Sir? The speeches seem to be widely ranging. I am not clear at the moment whether we are debating amendment 4, amendment 2 or amendment 3, or Senator Ozouf's from last night. Which bits of the amendments are we debating?

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

Formally the debate is on amendment 2. I think in practice it is quite difficult to limit people's contributions to the specifics of some of these amendments because inevitably they bring in considerations that are wider. I think it would be preferable if Members indicated when they were speaking whether they agreed or otherwise with the amendment under discussion. But otherwise I think there is scope obviously for a wider debate on all of the issues that this debate involves.

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

Would you agree that for some Members they want to speak once today, which is a good idea. They might take the opportunity to speak on the amendment but have remarks that are pertinent to the main debate, but the most important thing perhaps for everyone is to speak just the once today.

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

That is in Members' hands. It sounds good to me. Does any other Member wish to speak on this amendment?

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

I am in favour of this amendment. It is what you wanted to hear. I did not speak on Senator Ozouf's, and perhaps I should have, but I supported your amendment because I want the Senators to stay in this Assembly. It is not me that wants it. It is the majority of people who have come up and spoken to me. I came to this Island in 1967, so I beat Senator Ferguson. I was born in South Africa; it was not my fault, my mother was there at the time. But I have made this Island my home but, more importantly, the Islanders have welcomed me as part of this Island. We heard from the Minister for Education how humbled he was. I have had similar experiences. It has been indeed most heart-warming. What really saddened me yesterday was some of the absolute nonsense that was spoken. 80 per cent of people voted in the last referendum to get rid of Senators because 80 per cent voted for super-constituencies. What a load of absolute rubbish. I have been trying to give an example in simple ways as to why, and this is probably unparliamentary but we all know the expression: "Lies, damned lies and statistics." So imagine you have got 20 people, you have got a bowl of fruit on a table and in the bowl of fruit there are apples, bananas, pears and oranges. You say to the 20 people: "Go and choose your favourite fruit, just one." Nine people choose apples, 8 people choose bananas, 3 people choose oranges. It is reasonable to say the favourite fruit is apples. But you cannot say, as was said, nobody likes the strawberries because there were not strawberries in that bowl. So if you take out the same experiment and put strawberries in the bowl you could get a result where 14 people take strawberries, 3 people take bananas and 2 people take

oranges and one person takes an apple. And apples have gone from being the most favourite to the least favourite and the most favourite is strawberries. If you do not ask the question do not assume the answer. We heard people quoting about the Scottish referendum. That was a referendum. You had a choice: in/out. We heard about Brexit: in/out. Simple. But the Jersey referendum was A, B, C but many people wanted "None of the above". The biggest question, which nobody dares ask, is what do the electorate want. We have all got our own ideas but it boils down to one very simple thing. What the electorate want is good government. When one has a government that is unpopular you will grab on to any straw that is thrown to you in the hope that it will be better than what you have got. I urge Members to support this amendment because the worst possible thing to do is to throw the baby out with the bath water and I urge Members to support this amendment.

### **1.1.3 Deputy D. Johnson of St. Mary:**

To a certain extent the Constable of St. John has pinched my lines, albeit more entertaining than I would have delivered them, but I will continue regardless. I have 2 basic points. The first is this is a constitutional matter. I consider myself obliged to vote in accordance with the wishes of the people. I do not know the wishes of the people. Reference yesterday was made by various Members as to the previous referenda. But as the Constable of St. John has pointed out, that was not flawless. Ignoring his analogy of apples and pears, on a more personal note, and I appreciate Members do not wish to know my social activities. I happened to be at the rowing club the day after the referendum where members were discussing quite openly the result. They fell into various categories, all categories in fact, including the category: "I did not vote because the option I wanted was not there." That is the point the Constable of St. John has made. I cannot therefore simply because it is not right or reasonable, I would suggest, to expect this Assembly to adopt a referendum made 3 years ago when the Assembly at the time, for their own reasons, chose not to so adopt it. I therefore believe that whatever way forward Members wish it must be the subject of a referendum where the options are set out very clearly. My own view is that the only way of getting a major turnout at a referendum is on election day, but I appreciate that might not be to the liking of many Members. The other point which I think has not had sufficient coverage is one which Deputy Martin made yesterday; that is numbers. We are continuously told we have too many Members; we do not need that number for good government. As Deputy Martin pointed out: who is going to cover the Scrutiny functions? I happen to sit on 2 panels, one of which has 3 members. In relation to a review Environment recently decided to undertake I sent out a circular email inviting other Members to participate in that review. I received one reply from a Member who I well respect, who could not participate for her own reasons. It is not a criticism of other Members, they said they had not the opportunity, they are on other committees, other panels, and giving a good service to the Assembly as a whole. I submit that until we know what and how a reduced Assembly might operate it is not and should not be within our powers to reduce the numbers at all. For that reason alone I support Senator Farnham's amendment.

### **1.1.4 Deputy S.Y. Mézec of St. Helier:**

I will be opposing this amendment, as I will be opposing all of them for the reason that I outlined in my speech yesterday. That this is meant to be a debate on the referendum result from 2013, the new States Assembly trying to rectify what the last States Assembly got wrong, and if any amendment is adopted the States is deprived of the opportunity of having that debate, and I think that would be a tragedy. I just want to address some of the comments that have been made by some of the Members who have contributed so far. The Constable of St. John spoke well, as he always does in this Assembly, but at no point in his speech did I hear an argument in favour for adopting the electoral system that is proposed to us in this amendment. His argument consisted mostly of 2 points: firstly, that Islanders want to keep the Island-wide mandate and, I am sorry, there is simply no evidence of this. There is no evidence. All we have are the occasional people who come up to

us and say: We would like to keep the Island-wide mandate.” Okay, I get that sometimes as well, and I get people come up to me sometimes and say ... if I get a large number of people coming up to me to say: “Oh, we do not want the Constables in the States” and I have to say to them: “I am sorry, but the evidence is that the public do want to keep the Constables in the States” and the Constables will know that I am one of those people that thinks that there should be a separate election if Constables want to be in the States and I have had to reconcile my view with the fact there have been 2 referendums. The greatest way you can find any sort of mandate for a particular policy from the public and they have chosen to keep Constables.

[10:00]

So I am having to vote according to a referendum, even though I do not necessarily like the results of that referendum, I am a democrat so I have to listen to what the public have said in that referendum, which means I have to compromise there. I think that is the point. We have to compromise because it is all well and good for Members to stand up and say: “The referendum in 2013 was completely flawed because the option that lots of people would have liked was not on the ballot paper.” There are 70,000-odd registered voters, there is going to be 70,000-odd visions for what reform should look like. You cannot have a ballot paper with 70,000 options on it because each one would simply get one vote each and we would be no closer to making any sort of progress whatsoever. I voted for Option A in that referendum. If I were going to design a system from scratch, it would look like Option A but would probably have a few minor tweaks to it. But I voted for it anyway because it was, in my view, the best way forward and it is a little bit of a compromise. You say you cannot have everything you want because this is an Island where people have a variety of different opinions. You instead have to go for what is the most appropriate package that will get you the most progress, and that is what the purpose of that referendum was. It was to say: “We cannot have a million different options for the public to choose from, let us choose the ones that have the most coherent and logical argument behind them. Put those to the public and the public can choose a package like that and then an option will have a mandate to be implemented.” That is the point. The Electoral Commission spent a very long time engaging with the public and the Constable of St. John said in his speech that the public have not been asked their views on it. Well, the Electoral Commission was the most comprehensive consultation on electoral reform that has ever been undertaken in this Island and although I disagreed with some of the results of that consultation, the report that was produced by the Electoral Commission was an excellent report. It went into a lot of detail about why it was proposing each element of the packages it wanted to be included in the referendum. It made what I thought was a very, very clear case that the Deputy of St. Peter yesterday referred to in her speech, which is that there is no point in electing Deputies in super-constituencies if you are keeping Senators. In some of the speeches that Members have given where they have said: “We are voting for this amendment because we want to keep Senators.” If you want to keep Senators, vote against all the amendments and vote against the proposition because that keeps Senators as well. If you are going to vote in favour of this amendment, do not vote for it because you want to keep Senators, vote for it because you want Deputies to be returned in the way that this amendment suggests. I do not think that there is any logical reason why we should keep Constables, Senators and elected Deputies in this particular fashion rather than electing Deputies in the way that they are currently elected. This makes our electoral system more complicated. There may be some marginal improvements on voter equity, though they are certainly not represented in the handout that has been given to us by Senator Farnham where he says that only 78 per cent of the population will live in a district which is outside the Venice Commission’s 15 per cent. That is not true because in these stats he has combined Districts 1 and 2 into one district. No, if you do those districts individually you see that one of those is 21 per cent from the mean figure, which means it is significantly more than 28 per cent who live in a non-Venice Commission-compliant district. So we get a marginal improvement on



voter equity with this system, but we make voting more complicated. People will have 3 types of Member as opposed to the 2 that is proposed in P.133, which is a fairer system. It is a simpler system and it is a system which is underpinned by a referendum result that was in favour of it. That is the key here. This particular electoral system proposed in this amendment, yes, it keeps Senators, but you can also keep Senators by voting against the proposition altogether. It rearranges the Deputies' elections into one that really has no sense behind it if you are keeping Senators. The whole point of super-constituencies is to make that category of Member a hybrid of the best elements of the current Deputies and the best elements of the current Senators and put them into one type of Member. With this, we will get essentially a new type of Member that nobody will really be sure what purpose it serves and I think will cause perhaps some difficulties in terms of mandate of Members in this Assembly for who gets what job when. Deputies will have a much greater mandate than what they have now, so why would one not have an argument that they should take an even more senior job that some might say should be reserved for Senators? I urge Members on 2 points. Let us have the debate on the referendum result. I do not think the public will be particularly happy if we do not let this Assembly even have the choice of debating whether we implement that referendum result. Two, if you are going to vote for this, argue why this particular arrangement of electing Deputies is better than what we currently have because nobody has made that argument so far. It is all about keeping the Senators, and that is not good enough. If you want to keep the Senators, vote against all of the amendments and proposition. If you want to vote for this amendment, explain why this form of electoral system for Deputies will enhance our democracy because, in actual fact, I think it does not make any progress. It is not a step forward. It is a step sideways and will make our system more complicated. That is the last thing our democracy needs, especially when there is no referendum giving this Option A mandate.

#### **1.1.5 Deputy A.D. Lewis of St. Helier:**

So, perhaps we should keep having referendums until we get the results that we want. That has been said to me by a number of people. I would like to, though, refer back to past debates, if I may. Senator Farnham in the debate under P.5, I think it was, said: "My track record is well known. I am not a die-in-the-ditch supporter of the Island-wide mandate, but I am a die-in-the-ditch supporter of making sure that all or any reform has the support of the people." That is what the referendum was about. He went on, speaking in P.118 that the Constable of St. Mary will be very familiar with: "It is important that we try and approach this in as fair manner as possible. I have, in fact, been called a die-in-the-ditch supporter of the Senator. Well, I am not a die-in-the-ditch supporter of the Senator." That is what he said. He then said, later on in the debate: "I could not imagine seeing an Assembly of super-constituencies" and then he said: "Well, I could. I would rather have an Assembly with super-constituencies and 12 Constables than without the Constables." That is what he said. I mentioned market research yesterday and I am going to mention it again today because the Constable of St. John spoke very eloquently, as he always does. However, there is a lot to market research. You could have one simple survey like Senator Ozouf described yesterday, a useful piece of data. You could have a major consultation exercise. You can and they did have focus groups. They had other types of information-gathering exercises with people. There were one to ones. There was a whole raft of different market research type exercises that occurred over a sustained period of time during the commission's report. That is what market research is. If you speak to somebody, as Senator Green described yesterday, Senator Green is a lovely man. He can walk down the street - I did it with him yesterday - everybody knows him, everybody wants to stop and have a chat. Do you really think they are going to say to him in the conversation: "You know what, Senator, I do not think you should be in the States as a Senator." Of course they are not. Some may have done over one particular issue recently. However, my point is that in market research terms, that is why you have independent moderators. That is why you have focus groups. That is why you have workshops. Because it needs to be independent and it needs to be verified

properly. If you ask a question and you are a person as nice as Senator Green is, they will give you the answer that they think you want to hear. That is the way it works. That is why you have things like focus groups and that is why you have mixed demographics. You have some science to your research. Please, there are no fools in this Assembly, so do not be fooled into thinking and being selective with data because it is easy to be seduced by data if you select it as you wish it to be selected. One of the things here with Senator Lyndon Farnham's amendment is complicated. It means more types of Members. That was one of the things the commission looked at closely and it was a key comment of theirs in the report: simplicity generates a better selection of Members. The Constable of St. John mentioned what people want is good Government. Of course they do. That comes from good candidates elected through a good electoral process. That gives you some good candidates to perform good Government. In Senator Farnham's proposition it says things such as: "The majority of Islanders wish to see a reduction in the numbers of Deputies." I am not sure that is what was in the science that I just described earlier. He also said: "The majority of the public want to see the Senators retained." Where is the fact? Senator Ozouf said the same thing in his summing up yesterday. The facts are in the commission's report. That is what we should be looking at and that is what we will be debating later today. Islanders were listened to. We documented that. We had a referendum. A huge amount of other consultations took place as others have described. So we have the answers to the questions that are being posed today. The Commission acknowledged that the Parish was really important, the Parish system was really important to Islanders. That is why the Constables are retained here. That is why we have had 2 referendums and the public said twice they want their Constable in the States. That is what Deputy Mézec said. To say that this is somehow going to bulldoze through our Parish system, I am sorry, it is simply not true and we will come on to more of that in the hope that we do get to the substantive debate on the rest of the proposition. Do we keep having referendums until we get the answer we want? No, that is not a good process. Do we do more research? Do we ask more questions? That is our job, of course we do. We talk to our parishioners, our constituents. Because I have constituents, I do not just have parishioners. I work in a district. Incidentally, it might be worth reminding people that some of our most senior politicians have come from my district: Senator Green, Senator Walker, Senator Ozouf. I could go on; the list is endless. It is a super-constituency, always has been, so it generates good candidates. It generates politicians that have done some great things. So, what are we frightened of? Do we want to keep the complication of having Senators in this Assembly with the Island-wide mandate? I would have liked to have seen somebody being really brave here who brought an amendment about Senators and said: "Senators are so important I want more of them. I want 12, I want 24." Nobody did. Why? Because they looked at the science. They looked at the commission's report. They looked at the papers. They looked at past debates. I am sure Members have spent time on this. They came to that conclusion. It is not more. Less does not work. The commission's report is clear about that: 8 Senators on a ballot paper is too many, 6 is too few to make a difference. Senator Farnham's amendment is designed to stifle progress, the journey that Deputy Bryans described. We are on that journey. Let us stay on that journey. This just complicates it. It does not help. It is not what the public said they wanted. I am not going to keep saying it, but I guess I will later on, I hope. Please stop dissing the referendum. It is insulting to those people who turned out and voted in it. They took their time. They engaged in the process. If you look at the back of the commission's report, you will see a long list of names, many of which you will recognise, from all walks of life. They engaged with that process. It was engaging. It was scientific. It was balanced. It followed rules of proper consultation. It was wide ranging. It was not just one conversation with lots of parishioners about the same subject, as some have described. That is what proper consultation is and that is why we are here today discussing what was discussed several years ago, the referendum results.

[10:15]

We listened but we did not act. This amendment complicates it. It does not help. It does not say what the people wanted and we should vote against it.

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

To help the last 2 speakers, I will quote from the Clothier review, the Mori poll. It is a paragraph and it says: “Residents are far more likely to think that there are too many Members than too few. Half residents, 45 per cent, feel that the States has too many Members, while only 3 per cent think that there are too few. If reductions are to be made, residents focus on Deputies, mentioned by 44 per cent, more than Parish Constables at 31 per cent and Senators at 20 per cent.” I think that proves that there is some evidence that the Island-wide mandate is very well thought of.

#### **1.1.7 Deputy E.J. Noel of St. Lawrence:**

I try to speak in this Assembly as little as possible, the main reason being a belief of mine that less is more and that the more one speaks the fewer votes one gets. But I need to place on record my position. Our current system is simply unfair and it is unfair on 2 counts. Firstly, excusing the special case for the Constables, we have voter inequity depending on where one lives on the Island. For example, my wonderful Parish of St. Lawrence has a similar population to both that of Grouville and St. Peter, but we are fortunate enough to have 2 Deputies to each of their one. Obviously, our current system has big differences between the smallest constituency, being St. Mary, and others, so size in terms of the number of voters needs to be fair. Secondly, there is unfairness about where one lives in the Island determines how many representatives one has. If one lives in St. Mary, you have your Parish Deputy, your Constable and currently 8 Senators. But if you live in No. 3 or 4 Districts in St. Helier, you have 4 Deputies, one Constable and 8 Senators. In short, our current system is unfair. I will be supporting an evolution approach to making it fairer on both accounts. Therefore, I will be supporting these amendments and if they are successful I will be supporting the main proposition.

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

I think therein lies the rub because if these amendments are successful, the majority of support for option B+ in the form that Deputy Lewis is presenting it will vanish, but that is just a statement of fact, I believe. That is the political reality and there are good reasons for that. Essentially, what this boils down to is special pleading on behalf of the Senator. We hear lots about what the ideal or the near ideal solution is to electoral reform. We hear it said that those who did not vote in the referendum did not vote because the option that they wanted was not there. That does not seem like a tenable, rational position for a voter to have. I would probably prove that by asking - I do not need a show of hands - how many Members in this Assembly now did not vote in the referendum. I suspect it is either zero or close to zero. Does that mean that all of the options put forward in the referendum were our personal ideals? I think not. I think we all had to make a judgment call as to whether we wanted not just change but the type of change that was being proposed. Were we comfortable enough with what was being proposed to abolish the recent role of Senator in order to make progress in the public interest? I think the vast majority of people who came out in that referendum - I am sorry to repeat myself but it is germane again to this amendment - said: “Yes, we are comfortable in getting rid of the Senators.” All the people who come to your Parish Halls, all the people who came to my accordion club last night had the opportunity to go out there and vote for A, B or C. If they did not want A or B and if they did not want the *status quo*, then the logical thing to do is, of course, to vote for C, which was branded as change but not this change. But where has the C team been since 2013, the ones who sat on the platform and said: “We want change but not this change”? They have not lodged anything. They have just sat back, slipped into their seats. We have had new Members come in here, no propositions put on the table, no Clothier. We have had people saying they are Clothier supporters. I will not name any individuals, the

debate has passed in which the individual says that, but I suspect that is not true at all. Clothier was one single type of States Member elected in equal size constituencies, and people who claim to be Clothier supporters often mean that they supported ministerial reform without any of the democratic reforms to the electorate that went along with that. We get spurious arguments flying around: "This could lead to the disappearance of the Troy Rule" but we know that the substantive proposition itself has a safeguard in it - that is the last part - for the Troy Rule itself. It says - I do not remember the figure offhand - that there should be a maximum of 18 Ministers out of the 44 Assembly that is re-enshrining the Troy Rule, the basic security, which now and again does see the Ministers getting defeated, which is an absolutely healthy part of democracy. It is not a *sequitur* that the Troy Rule will go. In fact, it is the opposite because we are putting that safeguard in there. We cannot have it both ways. We cannot say that this is an erosion of the Parish system, an attack on the Parish system, when the public and option B+ itself has done everything it can to protect the Parish system, where even the opponents of the automatic right of Constable in the Assembly, as Deputy Mézec has said, have taken the compromise. We are democrats and we have said, look, one referendum, okay, it could have been a dodgy referendum result, but 2 referendums cannot be dodgy, especially with such an overwhelming turnout at the same time as the general election so that everybody who votes in the general election can also vote in that referendum. The position of Constables is secure and, therefore, the position of the Parishes is also secure. We have put that into the factor. I just wonder what would happen if every States Member in here decided to lodge their own pet project as an amendment. Well, I have something slightly different. How about we have 2 big districts, so we have a south and we have a north or we have an east and we have a west, and we elect 10 people in that area and, I do not know, we will call them sheriffs, shall we? Because that has not been used yet. We have Deputies, we might as well have sheriffs in there. Or I say I am a Clothier purist; I think we should have single seat constituencies, one type of States Member, divide the Island up into 40 and have one States Member for every 40 people and we can adjust the boundaries as we go along. That is at least future proof. That could be my pet project but I have no basis for that. I have no mandate to do that because that was not the referendum result. That was not what was posed to the public. I just wonder how many amendments we can have. Is the purpose of this amendment really to make it better when I suspect a lot of people who are supporting these amendments would just be happy with the *status quo*? If Members are genuinely happy with the *status quo*, then vote against the substantive proposition. I think Senator Ferguson ... and I think we share if not the same starting point, we obviously work together in some areas. We have origins in the same Parish, if you like, in terms of Jersey politics. But she said something which I think was not a Freudian slip but underlines what the problem is in Jersey politics. She said at least with Senator you feel like you have had a say in who you elect. I think that is the problem. People feel like they are having a say in structuring the Government because they can vote for who the Senators are. There is this illusion that has bedevilled Jersey politics for decades that people, in the absence of party politics, want to try and structure the Government. We have 49 States Members currently, 8 of whom are Senators. That means that apart from their Parish representatives, the public can only have a say in 8 of the 49. You might have a say in 10 of the 49. You may have a say in a few more if you live in the St. Helier district. The bottom line is that people do not have a say in how the Government is structured. That is ultimately down to the candidates. In the future, no matter what system we have, candidates will need to start working together or at least be cognisant of what the main issues are so that if you are standing in the north-west district or if you are standing in the south-east district or whatever we happen to call it, you will have to know what the issues are. You will have to know what the tax and spending issues are, what the health concerns are, what the Social Security Fund implications are, and make sure that you, and if you have fellow candidates, have a credible position on them, that you have costed ideas. It is only when that starts to happen, when formally or informally people start to project a consistent manifesto with benchmarks and tangible policies, that the public will come out and start

to vote. That does not rely on Senators. If anything, I think Senators make it much more difficult because you can rely on personality as a Senator to get elected. You can rely on a high profile as a Senator to get elected. You can rely on posters, especially in the absence of an entrenched political awareness in Jersey. I think when that happens it is not about whether we have Senators or not, it is about the quality of candidates coming forward. My hope is that the super-constituencies will have that, but my concern is that by keeping Senators and having super-constituencies we are getting rid of a class of States Member which currently in the current system has a valuable role. Deputies/Senators in the larger constituencies I think can only be justified as a compromise between losing the Senators and what we currently have, and I think that is the best of both worlds. I do not think that what Senator Farnham is putting forward is a tenable position and I hope that those of us who want to see genuine reform in Jersey, meaningful in the short and longer term, which is more important, will see these amendments ... I was going to say well-intentioned amendments, but I have no evidence for that. I think we will give them short shrift and get on to the main proposition.

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

I do not know how much attention Members have paid to the comments lodged by the Privileges and Procedures Committee. It is an important document, I think, because it does indicate to us how we are in a kind of Groundhog Day situation here. I am already wondering what the chairman is going to do at the end of this debate because, as he reminds us or as the committee reminds us, when a former Privileges and Procedures Committee brought option B forward for implementation following the referendum and the States decided after an awful lot of debate and by a narrow majority not to implement the public's wishes, I resigned as chairman of the committee. Now, the current chairman must be wondering whether this is on the cards and I suspect there is maybe a little bit of hope there. He may be nursing a bit of hope that he may be able to get out of this one, as I discovered I had after I resigned, and someone else will take on this mantle of trying to get the States to reform themselves. Several Members have talked about the age they were when they came here, or at least the year that it was when they arrived in the Island. I am not going to go down that route, but what I am going to say is that my reason for becoming a States Member and my reason for remaining a States Member is the pursuit of fairness; in a single word, fairness. Where I see unfairness, I try to challenge it. Senator Farnham in his report on his amendment says: "This amendment provides slightly less voter equity than Deputy Lewis." Well, I cannot support a proposition in any forum, whether it is about electoral reform or any other matter, which is by its own admission less fair than an alternative. It seems to me that fairness and democracy is what this is really about. It is not about whether the welfare system was better managed by the Constables than it is by the Minister. It is not about whether we prefer living in St. Mary to living in St. Helier. It is not about the demise of the Constables. It is about fairness. We are being offered today or tomorrow the choice between a fairer system and a less fair system, and it seems to me that that is what we must do. We must accept that what Deputy Lewis of St. Helier has put forward to us - which is what the public voted for in the referendum, and they got that right - is more fair than the amendment that we are currently debating. So I do urge Members to really think about whether they want to get into this situation where ... and Deputy Mézec I think put his finger on it because we are debating Senators now, but believe you me, if this amendment is accepted, everyone is going to suddenly realise we are going to get a more complicated system, which is not particularly fair.

[10:30]

We are going to have to deal with super-constituencies and the next debate will be all about the evils of super-constituencies, and several others here have been in that debate under the former I do not know how many iterations of chairmen of P.P.C. I think it was the former Constable of St.

Clement himself, a Mr. Grey, who took super-constituencies to the Assembly and that was roundly defeated because it was an affront to the Parish system. So, mark my words, if we accept this amendment the next debate will be saying: “Why do we need these super-constituencies? Why do we not just stick with the *status quo*?” The *status quo* will rear its ugly head, its unjust ugly head, and Members will support it because they will not see any real advantage in bringing in super-constituencies when we are not going to achieve voter equity and we are going to keep more or less the same number of Members. So, what is the point? Let us be brave. Let us follow the lead that has been given to us by the media. Almost all of the media are urging the States to embrace reform so that we get to May 2018 and we can say we have done something. We have made a fairer, democratic system. I urge Members to reject the amendments and let us move on to the main proposition.

#### **1.1.10 Deputy J.A. Martin of St. Helier:**

It is not always good to go after my Constable but today it is. I need to stand up and speak because I made a speech yesterday saying that I was not going to support any of the amendments. Overnight and listening to a few people - and it was not at the cheese counter, I have had emails, I have a few answerphone messages, those people who understand - am I going to stand here today not knowing and take away their Island-wide mandate? Am I going to do that? Are you going to do that and go to the elections in 15 months' time and say: “Oh, there are no Island-wide. You cannot pick your Chief Minister”, as Senator Ferguson says. “You cannot pick your Minister for Treasury and Resources.” I said yesterday I had no intention of ever standing as Senator, but I do not ever want to be Chief Minister either, but people who do should be putting their name forward, like Senator Gorst did. Deputy Green did; he said: “I want to be the Minister for Health and Social Services and I am going to put my name to the people. He personally said to me: “Judy, if I do not get in, I fully understand that, but I cannot say that I can do this massive job without the mandate of the Island.” Without the mandate of the Island. So, where am I today? I look at Senator Farnham, and everyone goes on, or the media are telling us to change. Change what? Deputy Andrew Lewis had to spend 20-odd minutes describing our political system to them, so what do they want us to change? Something they do not understand? Some do. No, I am here. People are going to say: “Oh, this is wrecking.” The Constable of St. Helier has just said: “We will get back to super-constituencies.” My debate now in this amendment, I have to see, I have to think what people have said, if this does not go through ... we had Deputy Bryans speaking on the wrong amendment, he is going to support, no he is not, he is going to support Deputy Lewis. We know exactly where it is. I can see 6 Senators will go for the change, wherever it goes. It is everyone else's decision here. We are going to have a change, I think, today. You have to decide whether you want a change with super-constituencies with Senators or without, and this amendment is the only one that does it. Please, I absolutely ... it takes a big person, probably, to come up - I am not a big person; I am quite a little, short person - but I absolutely got it wrong yesterday. I did not test the mood of the House, I did not realise the feeling out there, and it is not even the feeling, it is the: “I do not know what is going on.” You go out there. When we used to split the Senatorial and the Deputies, we were the poor relations. We had to have massive, big parades and things on the Senators in October, and the little Deputies' elections came along after. Now we are all together, the turnout is great. I do say a referendum, but ... excuse me, I was talking. **[Laughter]** It might be worse in your constituency; it is not worse in mine. I had more; it was even for Senators and it was good. The people who came out, they voted and it put the whole turnout up. I really believe this. I think today is your last chance. This amendment is the last chance. It goes back to what the Deputy of St. Mary and I said yesterday: “You want change, but we do not know how it is going to work. We do not know about the Troy Rule. We know there are things going on behind the scenes about maybe having more oversight on Ministers, it might be more Assistants, it might be oversight groups. We do not know, but we were told in the original, Senator Ozouf's version of the House, we could survive on 36

because they were going to do something different. But they know something different that we do not know. I said it yesterday: I absolutely agree with other Members. When you are sitting on this side of the House, when you are trying to do Scrutiny, P.A.C. (Public Accounts Committee), P.P.C. (Privileges and Procedures Committee), Overseas Aid, Jersey Police Authority, these all need bodies and bottoms on seats. I do not know where these bottoms are coming from. No, the Deputy of St. Martin can laugh, but when you are on a committee that cannot get a member for 3 or 4 months, or you are trying to do a review and there are 3 of you and one is conflicted, it is no joke, absolutely no joke. As I say, it has taken me overnight. I did not have a nightmare or woke up with a good speech. I was not even going to speak again, but this is my speech and this is my absolute true feeling: I do not want to go out there. This is your last chance. It is change, there will be change. I will not vote against the main proposition if we go for Senators and super-constituencies. It is a bit of change. It is, Constable of St. Helier. It is much fairer than what we have got today. Everybody will have an election. The numbers will be better. The numbers are one less than what we have now, and we can work as we are now, and some of us will still struggle. But I absolutely applaud everyone here; you do not have any idea. Forget the referendum. Deputy Lewis' is not completely option B; it is beats and tweaks. Senator Ozouf is tweaking option B. But, as Senator Ozouf said yesterday, what was the turnout? It was 4 years ago, as the Constable of St. Mary said. We have about 8,000 more people in St. Helier and probably in other Parishes, and it was not done on it. We said, at P.P.C. if you are ever going to do another referendum, make sure it is on the day of the general election, when people are coming out anyway. It is up to us, it is in our hands. We could all say that this is fairer, the people want this, the people want ... nobody knows what the people want. If you really do want to know what the people want, go back to Clothier and I will go back all those years. Mori said they want the Island-wide vote, and they want to pick their top candidates. We went ministerial, we never changed the way we did anything else, but this way, you get a bit of both. It is slowly, slowly, to catch the monkey. As far as I am concerned, the monkey needs to be stopped, and this is the amendment to do it. Thank you.

#### **1.1.11 Senator A.J.H. Maclean:**

I am delighted to follow Deputy Martin. I thoroughly agree with almost every morsel that has come out of her mouth this morning. We can all be thankful that she had a good night's sleep and reflected on matters. In truth, what I think the Deputy was saying was that she is in touch with her constituents; she has talked to people; she has listened to people's views, and it is pretty clear. This reform programme is not easy. It is not easy in terms of public sector reform and it is not easy in terms of electoral reform. How many times have we been standing here in this Assembly listening to speeches, making speeches on this very subject? There is no simple answer and the problem that we have is that losing the Senators is not something that the public of this Island, I believe, want. It is not just an opinion, it is not just necessarily the constituents that Deputy Martin speaks to, but it is based on fact. Deputy Mézec earlier on today said that there is no evidence that the public want Senators. There is evidence. We have heard from the Constable of Grouville earlier on referring us back to the Clothier work and the Mori poll which showed that Senators are valued by the public of this Island and they want the Island-wide mandate. We have also more recently ... and I accept it may not be a legitimate survey but at least it is a survey and at least it is very recently undertaken, the one by Senator Ozouf - the Ozouf survey. Nevertheless, that did go out and seek the views of 600 members of the community, and of those 600 people, 73 per cent wanted ... and it was not talking about the emotive Senator, it was talking about the Island-wide mandate. That is what it was talking about. It was anonymised, and the Senator was right not to say that he was bringing this survey forward, because then people could reply to it without any fear or favour, without any views or prejudice, and simply say what their views were about the Island-wide mandate. 73 per cent of those 600 people wanted to maintain the Senator. The problem with reform is that piecemeal reform is bad reform, effectively, and we have been doing piecemeal reform. We have

moved to a single election day. In principle, is that wrong, having a single election day? Of course it is not, but in any plan that anybody puts together, you do not put together a plan in part and then execute it; you put together a whole plan and then you execute it. How can you possibly be successful doing part of a plan, doing the single election day, as we have done, reducing the numbers of Senators, as we have already done? A little bit here, a little bit there, and then hoping it will all stitch together and make sense. It just does not make sense like that, so we have to think very carefully before we fiddle at the edges. It does not work, frankly, unless you have party politics, and I am not an advocate, I must hasten to add very quickly, of party politics in this Island. But the little piecemeal changes that we have made to date work perhaps in the environment of a party or party politics, but they certainly do not in the environment that we are living in. One fact is absolutely true, and I am pleased to say ... it is a shame he is not here because the Constable of St. John has also said a lot of what I was going to say, and I will not repeat it but I will just pick out some highlights. He touched on this issue of what the public are talking about and what the public are feeling about this issue. I do not think a lot of the public care a lot about these debates at all and the time that is wasted on them. What they do care about is having an effective government, a government that is making good decisions. That is really the summary of what the public wants is all about. They summarise that or they capture that in one word, they want change, because they think change equals better. Bad change, by the way, does not equal better. Piecemeal change does not equal better, so we have got to get this right and we have got to, in the interests of the Island, make sure that whatever change is delivered is change that will lead to better government and to better decision making. The point of the Constable of St. Helier; he talked about embracing change. He is right; we do need to embrace it, as a whole. He was also making the point about the media talking about the need for this change. The media, I hate to say to Members, do not get it right all the time. How often have we read the newspaper or listened to commentary on the radio or television that is misinformed, is inaccurate? The fact they are telling us to change does not mean we should do it, necessarily. We have to do it based on fact and we have to do it as a complete package. Tinkering at the edges, removing the Senators, is not a way to do it. Although, with the greatest respect to Senator Farnham, I do not think his proposition, his amendment, is perfect, it is not; but nevertheless it does not drive a horse and cart through the Senators. If we do not support Senator Farnham today, the outcome will be the end of the Senators, and the public in this Island do not want that, I am absolutely convinced. Deputy Martin is convinced. Many others are convinced, and surveys have demonstrated that to be the case. Reform is not just about electoral reform. Public sector reform is critically important. I am not going to go into the detail, but what I would say is that we need to do more and we need to do it faster and, frankly, we should be doing public sector reform in a sense, before making major changes like this. How do we know, for example, how many departments there might be in the future? We might have 2 or 3 or 4 less. We might therefore need fewer Ministers; we might need fewer Members of this Assembly, less scrutineering, and so on and so forth. We have to ensure that we are looking at all these matters in the round. I do not want to go on any more. I think that many Members have made some very valid points about this particular issue and in particular this amendment, which may not be perfect, but I would urge Members to support the amendment of Senator Farnham. If we do not support this amendment of Senator Farnham, I am utterly convinced that it will be the end of the Senators. The public do not want that. I think there is a very realistic likelihood it will lead to the end, in a reasonably short period of time, of the Constables and it will damage the Parish system. I have utterly no doubt whatsoever that that is what the outcome will be. We have to be very careful with the change that we seek to deliver, and therefore, although not perfect, I would urge Members to support Senator Farnham's amendment today and ensure that we at least maintain the Senators.

[10:45]

**1.1.12 Senator A.K.F. Green:**



I am pleased to follow both Deputy Martin and Senator Maclean. The Constable of St. Helier said today: "We need to be brave." I say we need to wake up; we are sleepwalking into making mistake after mistake after mistake. Have we not learned that the piecemeal approach that we adopted before has not worked? It has left us in a worse position. We need to wake up. Last night, I went to a group - a group, not a meeting - where politics is never, ever ... Deputy Lewis said that the people would say to me what I want to hear. I went to this group where politics has never, ever been mentioned. To say they were incensed at the thought of losing the Senator is an understatement. I had a similar message, I think, last night, to the message of Deputy Martin. That is all that was talked about. They are absolutely incensed. We have heard today and we heard yesterday that we have had no evidence why Senators should remain. I have heard no evidence why Senators should go; quite the opposite. We are sleepwalking into, I think, political instability. We are risking reform, because it is not often when you can have your cake and eat it. I always, as a caterer, have to bring it back to food. Deputy Lewis said that we need reform. But you can have reform with the super-constituencies, if that is what Members want, and you can have reform with super-constituencies and 8 Senators, because Islanders tell me that is what they want. I do not see the election of Senators as being undemocratic. How can it be undemocratic? The whole Island is having their say. How can that be undemocratic? We want electoral legitimacy. We want voter equity, and we can have all that and we can keep the Senators that the public say they want to keep, and it is, in my view, a win-win. While I talk about political instability, as sure as eggs are eggs, the Constables will be next. People can scoff, but that is exactly where we are going. We have an opportunity here today to make real reform that is along the lines of some of the work that has been done in the past, along the lines that some Members think the public want. Fine; but the public also tell us that they want Senators. We can please both today and also ensure that we have sufficient - I will not use the term that Deputy Martin used - but sufficient people to do the work that needs to be done. This is a win-win, this amendment. It is not a win-win if you do not accept this amendment. I think we are sleepwalking into what might appear to be politically correct, sometimes, as we did when we reduced the number of Senators. That was a mistake and we need to learn from our mistakes, not repeat them.

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

It is a pleasure to stand and speak after my colleague, Deputy Martin, to say that Deputy Martin was completely right ... yesterday. **[Laughter]** She made up her mind and said to herself and said to us: "I am going to vote for none of these." She was absolutely right. Yet, today, she has come to us with this change of heart, change of mind - passionately held, no doubt - which has happened overnight. She talks about some sort of electoral system that I have not met yet, in Jersey, where the people get to vote for the Chief Minister or the Minister for Health and Social Services, or any Minister in this magic election called "the Senatorials." The link with the Senators becoming Ministers does not exist anymore. The public did not vote for Senator Gorst as Chief Minister. He did not stand as a potential Chief Minister with a platform that people could sign up for. The people voted in a general practitioner, expecting her to be given some responsibility in the Department for Health and Social Services because she knows how the health system works. Yet that person, that Senator, no longer with us, lasted 2 years but was offered nothing. Now, certainly, if we talk about listening to the people, I certainly heard that for the last 2 years: "We voted for this person and they shut her out." There is no direct link between what people vote for and what is delivered; we know this. This magical system, the Island-wide mandate, does not work that well anymore. The good Deputy said: "We have 8,000 more people in St. Helier" and yet she is saying today that she is going to vote for one of these 2 amendments which reduces the amount of the degree of representation for St. Helier. It produces the worst figures of all the options before us, apart from Senator Ozouf's yesterday, which were even worse in terms of representation. My Constable was absolutely correct when he said we ought to be brave and be bold and embrace this

package, because it may not be perfect but it works towards a fairer system, fairer representation. Certainly, those of us on the left who had started this debate 10 years ago, 15 years ago, with a particular set of views have had to compromise, in particular over the Constables. But this is a step too far. If we keep the Senators and go for bigger constituencies, and on a different basis, the Constables, then what we have done is make our system ... fundamental criticism of Clothier, going way back, too complex, too many types of Member, and we make our membership even worse. We have been here before; I have seen it before on at least 4 occasions, where we have got close to having a solution - some sort of solution which gives hope for progress over the next decade or so - and this house has ducked the issue. It is Groundhog Day again because I fear Members are at risk of ducking the issue again. When my Constable says: "Be brave, be bold, let us make progress. Let us not sit back and be afraid of change" he is right, because this change is a fairer system. Last night I too did some thinking, and thought about: "How come Senator Farnham says he can accept Senator Ozouf's amendment without a problem. He will vote for that. Then he has 2 more arrangements with different numbers that equally he supports. Does he support both of them, either of them, or any of them, and what does that reflect?" My experience, when I am bringing a Back-Bench proposition to the House is, if I am torn between shall I do this or shall I do that, is this the right proposition or is that the right proposition, I know what is going wrong. I have not thought it through properly and it becomes confused. What we have here with several propositions, all in the same sort of direction, to my mind says: "This person has not thought it through properly" because if they thought it through properly they would be saying to themselves, and to us: "This is the best I can do; this is what I propose." Not: "This, or this, or this" with different sets of numbers and different boundaries. Just incidentally, I noticed today district 6 in one of these schemes - we do not bother with which - links the Parish of St. Brelade to the Parish of St. Ouen and the Parish of St. Peter. I do not know much about the history of the Island, but certainly linking the Parish of St. Ouen with the Parish of St. Peter risks stirring up some ancient rivalries, I understand. It is not a thing to be recommended. Perhaps we will hear from the Deputy of St. Peter or the Deputy of St. Ouen concerning that particular rivalry; not a good idea. Yet this is what we have. You look at that and you say: "Hang on, the Parish of St. Brelade already has its Constable and its 3 representatives. The Parish of St. Ouen has a representative, and the Parish of St. Peter has a representative, and yet the numbers go down to 4 representatives." A reduction of democracy in this particular area. Why? How? How is that the best model? No, this is one reflection, again, of confused thinking. It is not clarity, it is not good and it is not a way to progress. I suggest we vote against these particular amendments, one by one, and return to the main proposition which I think has that clarity of thought and does show a way forward.

#### **1.1.14 Connétable J. Gallichan of St. Mary:**

I rise really reluctantly, because I did take the conscious decision not to get involved with reform, because I have such a history of it that I thought I brought too much baggage to it. I just have to say, again, this is not necessarily all about this little section of the debate, but I think we are touching on lots of broad areas here. What has become completely clear to me listening just to what has been said this morning and thinking about what has been said yesterday, is that there is a really significant proportion of Members in this Assembly who do not believe that the first reform referendum that we held was legitimate. We have heard people say it is the wrong question. We have heard people say that the numbers that turn up are too low for it to be valid. I am really struggling. I have heard that even from the Members who acknowledge that the research that was done, the consultation and the reports that were done, were valid. Those reports, if Members really dig down into what is being said ... I do not know how many people have re-read all the issues, how many people here perhaps have never read the report that the Electoral Commission put out. For many Members here today, that was before their time when they were actively involved in the States. It is 4 years ago. Four whole years ago. I have heard there is no evidence for why Senators

are not needed. It is not not needed; it is the fact that it is not viable and that all the research, all the consultation, showed the issues that were endemic with keeping the Senators.

[11:00]

I have heard people referring to Clothier, as if we are somehow adopting elements of Clothier now. Unless I am very much mistaken, the only element of Clothier we are adopting is a reduction in numbers, because Clothier did not mention large districts. Many people forget that. I am really concerned that the legitimacy of a result on which the substantive proposition relies is being called into question here. What really concerns me about that is it says to me that, although I am still a supporter of the democratically obtained result, it is simply true to say that the States had already made at the time that referendum happened, changes. One of the options that were in that referendum was to stay with the changes that had already been agreed. If change was not required by the people in the form of one of the changes proposed, the logical thing to do was to say that these are not what we wanted, and to vote for the *status quo*, as it had been already agreed. But if we, as an Assembly, cannot fix in our minds whether we accept that or not, then I am really concerned, because it is only us as an Assembly who can take this forward and I well know from being in the position countless years ago - certainly more than 4 - of having achieved a result at the stage of the in principle debate, and then I think 2 or 3 times - I cannot remember now, it just seemed to go on - when we debated the miscellaneous provisions that arose out of that change, how that was then challenged. This debate today, I am sorry to tell Members who have not thought about this, is not the end of the line. We have the legislation to do. If Members are not behind the outcome of the last referendum - and I am not saying whether that is a good or a bad thing, I am just saying it is patently obvious to me that that is the case - then what certainty do we have that whatever we decide today that we are not going to go through this whole tweaking procedure again in the coming months? Then the pressure will really be on, because we are looking at getting all of this in place in time for the next election, so then there will be the really intense focus on: "Well, yes, I can understand what happened at the last sitting; we made an in principle decision but actually I believe - and I have spoken to my electorate, I have maybe had an Assembly about it, I have maybe had a meeting about it and I have certainly been to the cheese counter - I really feel we need to change this. I really believe this is not what my electorate want and I am going to put this proposal in." It seems to me that Members here do not understand some of the things that have been proposed. What they certainly do not understand, because I have heard lots of conjecture, is what happens next. I am not talking about in the legislation, I am talking about once we have made any change, where does that change lead us? I have heard Members saying: "Well, we will keep the Senators for now and then we will discuss it later. We can get rid of them in future sittings, future years, if it does not work." I have heard Members say: "If we do not do this today, it is the death of the Parish system." "If we do do this today, it is the death of the Parish system." I am hearing it from all sides. It is quite clear that Members really do not have a clear idea. It seems that we are almost ... the feeling I get when I hear some speeches is: "I am standing on the edge of the precipice. The decision I make will make a probably irreversible change in the way our Assembly is constituted. What happens if I make the wrong choice? Are the people aware of the ramifications? Do they understand the choice they have made?" This is why I have stood back from all of this, because I was intensely involved in reform. Throughout my time as chairman of P.P.C., I was intensely involved in reform. I was on the Electoral Commission, and that was a real eye-opener. That was not dealing inwardly with Members of the Assembly; that was going out to the public. I have heard Members who did not like or did not support or did not give credence to the result of the referendum speak in support of the consultation. Here, I am only talking about the consultation process. It was intensive. I lived and breathed what the people of the Island were telling me during that consultation, and I saw a transformation from: "This is my position; I want this" to: "Can you tell me why you want that? What is important about that to you?" "I understand

what is important about that to you. Would you like to consider, if this happened, how that would affect your thoughts?" I have seen people who have a very hard understanding of what they think they want because that is what they think will give them the outcome they want soften and say: "I can understand why you would be proposing potentially a change. I can understand it." We did an awful lot of consultation, and it was not just listening; it was interactive. People came and we talked to them. When they made a point of view to us, we asked why. We wanted to find out, out of what people were saying - because they came to the commission with very wide-ranging thoughts - essentially, at the end of the day: "What is it you want to have from your States Assembly?" I stand by that research and that research did not support the Island-wide mandate and that was reflected in the results of the referendum question that we put. I come back to today, and it is quite clear to me that significant numbers of this Assembly either do not understand or have not read that research, or legitimately or honestly believe that it was flawed, or honestly believe that the situation since that time might be different. I cannot get over the fact that, unless we as an Assembly know what we want, no matter what decision we take today, it will not be the end of the road. I can only make a pragmatic choice here. As I say, I am still a supporter of what was, I believe, democratically obtained at the first reform referendum. To say that people did not vote is not to say that they did not have the opportunity, and if they did not want change, there was an opportunity there to say that. If Members cannot get behind me on that, if they cannot accept that, then the only logical conclusion I can come to is that we have to ask the question again. I am just saying it now, because people need to think about that when they are talking about this amendment, because subsequently another amendment will come and we will debate whether we would have another referendum. I just say to Members that we all seem to agree that the current system has to change. I do not think there is any Member here who honestly believes that we can sustain what we have now. That is really important. Then, the only question is, how do we change and how do we make sure we have the change that the people want? The only thing we can do is to make a decision today of what we believe, as an Assembly, on the majority - and hopefully we will get a majority on one of the options - that that is the change that should be made, and then we have to - we have to - ask the electorate again. We have to say: "This is what your States Members, acting on your behalf - not listening just to the cheese counter, not listening just to the Electoral Commission, but putting it all into perspective and looking into themselves, at their own history and their own personal interactions with their constituents - on a majority they have decided to do this. Do you agree? Yes or no?" Hopefully we would get a "yes" answer, because the people who put us here surely should have some hope that we can make a decision; that is what they put us here for. I believe that is the only way we will ever satisfy ourselves as an Assembly that we have the people behind us. Only having that satisfaction that we know the people have agreed what we have said, can we legitimately expect to go through to the miscellaneous provisions debates and say: "Yes, yes, yes. There are no amendments because the people have endorsed what we have said, so yes, this is what we do." We cannot hope, I do not think, realistically, to get all of that in place in time for the next election. I know that gives people concerns and it gives the people who are talking about electoral observers concern, but I say, do not worry about that, because if we have the referendum and we have it before the general election - I know there are all sorts of reasons why a general election is better - so that the same Assembly that puts it to the referendum gets the answer and then endorses that answer; no shilly-shally, no time for other people to get elected to say: "Well, I was elected on opposing what the people have said in the referendum." No. We have to do it, we have to do it in the lifetime of the Assembly, and then we go into the next election with something that is really important. Not a changed composition for the next election, but we go in with the changes on the law books going to happen. We take this inward-looking examination of ourselves off the agenda at the election and we go to the people and we say: "We know where we are going. What we are going to ask you about at this election is, what do you want to do about the economy? What do you want to do about health? What do you want to do about elderly care?"

What do you want to do about the really important things?” Not: “What do you want to do about electing your representatives?” I am sorry, we have to get over this idea that that is really the important thing. The Constable of St. John and I are not in agreement, probably, on this amendment, but we are 100 per cent in agreement that what the people are concerned about is getting the Government they deserve. I am sorry, this is a big turnaround for me because, as I say, I am still a supporter of what has gone on in the past. I still feel aggrieved, as the P.P.C. comments have highlighted. The electorate are aggrieved that, having come to a decision and putting their votes on the ballot this Assembly did not endorse what they said. I think that the fundamental problem here is that this Assembly realises, and Members individually realise, that this is a vitally important thing historically that we are doing. They want to get it right but they really want the people to tell them: “Yes, this is what you must do, we agree with you. We understand why you have chosen to not have the Island-wide mandate or to have the Island-wide mandate in this context. We understand this change.” I am really sorry, I do not think now, having listened to Members, that we can change things finally today but I think what we can do today is decide on what we honestly believe is the way forward and we can decide to say to the people: “This, for so many reasons, is what we think we should be doing. Endorse it, say yes to us, and I tell you that even though the Assembly cannot get this to you in a workable format for the next election, it will be in place to happen.” For that reason, the certainty of where we are going will be there, it will be enshrined in the statute, so any observer would be looking at something knowing it is the last time it is going to happen. So, I believe for that reason we would be quite covered by any international observance and, fundamentally, I still believe that we do what our people say is right for us. We stand on our ground as being the Island of Jersey and we are moving forward. I have said enough, but I really feel, having listened to Members, I have been in this situation myself, leading a committee where reform is on the agenda and have got things passed in this Assembly only to have them come back again. I think the only way to avoid a repeat of that is let us make a decision, whichever decision this Assembly thinks is right, but let us not forget, let us endorse the decision also to take it to the people for their final confirmation. I see that as the only way forward.

#### **1.1.15 Deputy J.M. Maçon of St. Saviour:**

While I wanted to save my comments for the main debate, it was the Constable of St. Helier who has spurred me on to speak now. As many Members have said before, and this is my conundrum with this particular amendment, it is about the number of the States Members in the States Assembly.

[11:15]

While the amendment proposed by Senator Farnham gives us 48, part of me was thinking I might support this as a backstop to ensure that if worst comes to worst at least that is there. Why do I care and feel so strongly about the number of Members? Well, if we go back to 2000 and dig out the Clothier report, when they did their examination of the number of Members, what did they say? I do have it here. It was a long report. Here we go. As we know, the recommendation was that there might be 42 to 44 Members but within that membership it was made clear that the Constables, by automatic right, would no longer be Members of the States Assembly. We would have Parish-based representatives voted into the Assembly. When they were talking about the Executive, they say: “The structure we have recommended in paragraphs 5.1 and 5.2 would call for the employment in Executive Government of some 15 to 20 Members of the States. The omission of the *ex officio* Constables will still leave sufficient numbers not to engage in Government but to form 3 or 4 Scrutiny Committees to carry out the appropriate functions set out in paragraph 3.5.” Let us remember, when that was written we were looking at 9 to 10 ministries and looking at 3 Scrutiny Panels and a P.A.C. Because the demands on this Assembly since 2000 have moved on, the requirements for this Assembly, in order to carry out more work, have increased. We now have 5

Scrutiny Panels and a P.A.C. We have 11 ministries and some very much beefed-up Assistant Minister positions as well. The Electoral Commission did not provide justification for the reduction of Members as well, which is why it was kicked out last time, because if you keep the Constables as Members of the States Assembly, therefore you have to have more than 44, so that leaves ... where does that leave us with Deputy Lewis' proposition? Very close to that. But the Clothier report went on further. It did not stop there. It also said that in order to allow for the justification of the reduction in Members, what else had to happen? It called for and developed a chapter in its report for the establishment of a public sectors ombudsman. Now, why was this? It was to free up States Members from the constituency work, the advocacy role that many States Members do, which many States Members enjoy and it is the part of the job which is the most rewarding to States Members because they feel they are helping people, in order to do what the Clothier panel said in chapter 3, page 12, when they comment that: "It is notoriously easier to speak about relatively trivial and short-term problems than contribute to a reasoned and well-researched speech on some strategic policy to be pursued in the future. A repeated theme in the evidence we received was that there were far too many of the former kind of speech in the States and too few of the latter." The point was, free States Members up from their duties, whether that be constituency, whether that be parochial, in order to allow the States Members to be able to have strategic discussions within this Assembly, and that is when they got to their figures. Now when we got to the position of the Electoral Commission, again no recommendation for a public sectors ombudsman, so you still had to be a States Member, do your constituency work in the super-constituencies, and they also kept with the Constables in the States again but still using Clothier numbers. So we have got 2 expert reports looking at this, one done by some very esteemed independents, and Islanders by the way because there were local people that sat on the Clothier report. It is often whitewashed and said: "This is just some civil servant that has come along and cobbled this together." It is not true. There were the majority of Islanders sat on this panel and came up with this report, let us not forget, and it was independent. When we had the Electoral Commission, of course I lost that battle. I wanted it to keep its independence. I wanted it to be free from political shenanigans and involvement. Unfortunately that was not to be. As Deputy Martin has already alluded to, we struggle in some cases. As the Deputy of St. Mary pointed out earlier, we struggle at the moment with the number of Members being able to perform the duties at the moment and now we know that behind the scenes in the Chief Minister's Department they are cobbling some other plans together; we do not know what they are by the way. But the Chief Minister has already said: "What we need to do is we need to have a better structure for legislative scrutiny." The same question as Deputy Martin has asked: who is going to do this work? Who is going to do it? You need elected Members to do it and you need enough of them to do it. I am getting there. I am getting there, Deputy Labey. I have sat on Scrutiny. I have done scrutiny of legislation. We went through line by line the Depositor Compensation Scheme and let me tell you, Members, it is hard work, it is laborious work, it is monotonous work. It is important work, but you have really got to be committed in order to do that type of work and it is specialised work as well. If you want that to be done, I can tell you now you are not going to have States Members queuing up to do it, but if that is the structure you want you need to have a big enough pool of Members to be able to do it. Unfortunately the proposal being brought forward by Deputy Lewis clearly does not do that. No, it did not. I just went through that. Clothier said: "You cannot have those numbers if you keep the Constables and you do not have a public sectors ombudsman." He made that quite clear in his report. I am not being listened to, clearly. Therefore, what are the options? Let us say we go down the reduction of Members, what are the options? Well, what do you do? You, therefore, have to outsource functions that this Assembly does. Now, what does that do? Well, it means more bureaucrats, more civil servants, which, by the way, get paid more than what States Members do, and they get a pension in order to carry out those functions. But not only that, what else does it do? It deprives the public of having democratically elected representatives in

order to carry out that work. Now, we have just seen Brexit, and what was one of the biggest reasons for wanting to do that? Because the people were fed up of bureaucrats making decisions on their behalf. So yet again, if the solution is, right, we are going to have this structure and the only way you can do this is to outsource these things to civil servants or boards or whatever, is that what the public want? I have never been on the doorstep and anyone told me: "You know what, Deputy Maçon, what I would like? I would like less democratic control over the functions of the States Assembly. That is something I really want to see." But we are human and there are only so many hours in the day and there are so many ways in which we can commit to do the work of the Assembly, which is ever growing. There is ever more to do. Now, I know there will be some on the radio and some watching this broadcast who will probably be screaming at the top of their lungs: "Well, wait a moment here. The U.K. for our size of population would have one M.P. (Member of Parliament)." This is true. However, what they will also have is they will also have councils made up of councillors making that decision. They will also have the party, party politics, party activists, going out there, engaging with the public, doing the focus groups. They will also have the House of Lords doing more legislative work, doing the legislative scrutiny work as well. That never gets mentioned when you are talking about the numbers and doing a comparison. Also you have think-tanks doing the strategic policy development, which we do not have here. So, who has to do that work? Who has to do that work? It has to be the States Members to do it, which is why we have so many Members and that is why we get some members of the public, some Members of this Assembly almost religiously getting into this argument: "We must reduce States Members. It has got to be done." If we are calling out for better government and if we are calling out for more functions for the States Assembly to do, how does this add up when you have in some cases ... particularly the Constables who do a huge amount of work, who are already stretched in some cases? I worked in the previous term with the Constable of St. Martin and a more diligent Member of the States Assembly you cannot have. **[Approbation]** The hours that he worked when we were on Scrutiny ... and this is why I struggle to believe that somehow the Constables will be able to take on so much extra work in this reduced Assembly. The hours that they work ... and again I worked with the Constable of St. Brelade. There was a huge amount of hours ploughed not only into Scrutiny when he was there but also into the Parish work that is expected. But, no, we want to reduce the number of States Members in order that somehow magically it is all going work. We are going to have more streamlined processes and we are going to be able to be more productive. It did not add up during the Electoral Commission's production; it does not add up now. As I say, this gives me a problem with Senator Farnham's amendment because in a sense it does give you the numbers, it does give that scope. As the Constable of St. Mary has previously said, when there is dissatisfaction in the Government, in the Council of Ministers, she effectively said: "Put up or shut up. If you are not happy with the Council of Ministers, bring a vote of no confidence and provide an alternative." But the problem is if you keep reducing the pool, where are the alternatives then? Where is the alternative Government? Where are the other options? You do not have that. I sat in a previous States Assembly where we had several individuals who became unfit to be Ministers. Now, thankfully we had a big enough pool in order to replace them with other Members, but if you have the numbers that are being proposed, where then does the alternative come? Where are the other options? You might have Members who may not be right for the role of being a Minister. What happens then? At the moment we do not have the ability to call a snap election under our laws, so we have to trundle on for 4 years in order to wait for that to happen. Ludicrous. I want to address the issue of super-constituencies. The Constable of St. Helier, and this is what provoked me, said Members will be getting up and talking about the evils of super-constituencies. Well, here we go. Where to begin? Yesterday when we heard from the Deputy of St. Peter, she has been a long-time cheerleader, big supporter of the super-constituencies and she thinks they are a great idea. Now, I have done a little bit of research and I have looked at the Guernsey model, because they have got super-constituencies there. Now, part of the argument

for adopting the super-constituency model is that it removes kind of the disparity between the amount of votes that individuals get in order to be elected. But if you look at the 2012 result, because I could not find the 2016 one, of Members getting elected, first of all you are looking at the super-constituencies with up to 6 or 7 seats. In the Vale province there are 7 seats and there were 9 candidates. The argument is super-constituencies will somehow encourage and bring forward all these wonderful candidates to come forward because somehow they are going to get a better chance to have that endorsement by a wider section of the public. I am sorry, but if you look at the Guernsey model that does not happen. Even if you look at some of the other ones where it is a bit better, they are not even breaking half. You are not even looking at a one to 2 ratio per seat. So, when you are talking about empowering the electorate to make better choices about their electorates, once again they are scrabbling around, as partly happens in our system, to try and find the least worst option rather than necessarily a candidate you want to endorse. Not only that, the Deputy of St. Peter said it is absolutely wonderful, the super-constituency system, but again if you look at the elections in 2012 you have the candidate with the highest number of votes - and remember this is after they had equalised their constituencies - got 2,912 votes and the lowest candidate that got elected received 695.

[11:30]

Now, excuse me, but I thought the justification for super-constituencies was because it was supposed to eradicate that type of discrepancy, but in fact when you look at it, it does not do that either. In fact, what it turns an election into is more into a lottery. But there are nuances even further, because when you look at the electoral roll in Guernsey, the way that they structure their electoral roll, they do a new one every time. It is not like in Jersey where it is rolling. So, therefore, when you say: "They manage to get X number of thousand votes", the one that got 2,912 was the one who had the numbers in the electoral roll of about 5,000. So let us compare that to the Jersey where we are looking at our super-constituencies, where you are looking at 10,000, 15,000 or whatever. So, therefore, when you are going down and comparing kind of the slope, you have a couple of top candidates that really pull the votes but then you start seeing a sharp decrease in the ones that come next, and this is the problem in our Senatorial vote but what we are looking to do is then replicate it in the super-constituencies as well. What we are doing is we are taking the worst part of the Senatorial system and we are replicating it. How is that desirable? Again, this is all first past the post. This not S.T.V. (single transferable vote) and we know that this Assembly does not support S.T.V. If Members had done a bit more wider research they would realise that this system is not a good system. Again, one word. We have heard about democracy and a democratic system. What we have not heard is the word "accountability", because when you elect someone it is not just to put them into a post. It is also to hold them to account for the decisions that they make on behalf of that electorate. But the thing is if you build the pool big enough, as we see in the super-constituencies, it is much easier for a Member, when you are only challenged by an extra 2 people, to get re-elected. I know individuals do not like smaller constituencies but the advantage of smaller constituencies is it is much easier to hold someone to account for what they have done than larger constituencies. This is where I have to defend the current Parish Deputy system. Although people do not like it but if you lose 100, 200 votes that is quite easily a Deputy seat gone in some cases. Unfortunately the Deputies, I feel, are on a much shorter leash than some others because they have really got to work hard to keep that electorate happy, whereas it can be argued if you can lose 1,000 or 2,000 and you are in a big enough pool, does that really matter? But again no discussion about accountability. Let us not talk about that really big issue. We have heard various Members stand up and say: "What do the public want of their States Assembly? What do they want?" Well, I am going to add one into the pot. They probably want one that represents the community as a whole and works in their best interests, I would imagine is probably what they want. So, what is the solution proposed with super-constituencies? What is the solution? "Well, what we are going to do



is we are going to put you in bigger constituencies, remove you from your communities and, therefore, somehow you are going to represent everyone else better.” “Excuse me, what? How does that add up?” I have the advantage, as many Members know, that when there is a big issue in the States I will go out and I will flyer and I will door knock my district. It will take me about 2 to 3 days, weather depending. What are the advantages of that system? It means I go out and I will talk to people that I will not necessarily mix with normally. I will encounter people with different views to my own who perhaps are not there in the ...

**Senator P.M. Bailhache:**

Sir, may I raise a point of order? I do appreciate that Members do want to stray over areas which are a little bit outside the amendment, but what on earth are the submissions that the Deputy is making to do with the recommendations in the amendment of Senator Farnham? Senator Farnham is talking about recommending large districts and the Deputy is not speaking to the amendment.

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

My understanding is that he is setting out the downside of large districts from his point of view.

**Deputy J.M. Maçon:**

Thank you, Sir. I am glad Members are seeing that. What I am doing is I am comparing and contrasting the advantages and disadvantages of a different system and, therefore, where I fall on them. I would have thought that would have been quite clear. I am sorry if that was not the case. As I say, you can go out and you can talk to people who are not necessarily in your circle and perhaps you do not see at the I.o.D. (Institute of Directors) or Chamber of Commerce presentations. You meet people with different perspectives to your own. But again, if you are in a super-constituency how exactly are Members supposed to be able to do that? It is going to be much more difficult, not impossible but it is certainly going to be much more difficult. If this is the criticism from the public that I certainly hear, which is: “We do not feel listened to. We do not feel represented. We do not feel that you are doing what we are saying.” There needs to be the opportunity for representatives to be able to do that listening and not only just with the normal circles that they listen to, whether it be the usual faces at the Parish Hall or whatever. This is why I do not support the super-constituency construct because I feel that that will be a loss of that function that we can currently do now with much greater ease. We have also spoken about, and again the Constable of St. Helier spoke about, the mechanisms of hustings. Again, Senator Bailhache even spoke about the problems under the current Senatorial system, the way that the hustings are managed, how dissatisfactory that process is, but again if you are looking at the super-constituency model, what is different? What is different? You are replicating the same flawed process and, again, I agree, it is about allowing the electorate to be able to make informed choices about the candidates that they want to support. But again this mechanism of having, if we do get, we may not ... let us say we will go with the supporters of the super-constituencies. Let us say we have a super-constituency of 6 seats and let us say we do get the same kind of ratio that you get for Senators at the moment, which is for every seat you get 2 to 3 representatives coming forward. What are you doing? You are having exactly the same problems, the short answers, the poor length speeches, the lack of actual proper debate within a selection process, and instead of having it just in the Senatorial programme, you are going to replicate it 6 times throughout the Island and this is supposed to deliver a better service. This is supposed to deliver better candidates. This is supposed to deliver better Island debate. It does not work for the Senators’ elections. How exactly is it going to work in the super-constituency model? When you are considering a democratic system, it is not just about the proportionality aspects. It is about the mechanisms of how those individuals get there. What is being proposed is an incredibly flawed process that is going to leave the public dissatisfied. How do we know this? Because that is what happens in Guernsey. Again, perhaps it

is the Jersey in me but in order to hold up Guernsey as an exemplary model in order to do something, it cringes there, it hurts me inside, but of course I always take a balanced approach when it is reasonable. We did have many speeches talking about the referendum, the option B one. Well, my position has not changed. You can call it a referendum but it certainly was not and I will tell you why, because it was not a yes/no question. To me a referendum is a yes/no question with the ability of the electorate to be able to say, and this is an important word: “No, we do not want this.” The shenanigans that went on, the alternative voting system that was provided, if you wanted a Parish system, if you wanted to maintain a Parish system you might vote for C but then your default position is to vote for B even although that is not what you wanted at all. Again, you have the same problems if you wanted Option A: where did you go next? That option really was not available either but, again, because that is, I feel, what was wanted. It was to force States Members into saying: “This many people wanted this.” Okay, we will ignore that it was a pathetic turnout, we will ignore that and we will brush that one under the carpet, but of those that did vote, because these were the only options that were available, this is what they went for, and other Members have spoken to that already. Again, I might have voted for option C but actually I was an option D, “none of the above”. May I remind Members, because we have not even had this mentioned yet, every day during that referendum process the radio, the newspaper all were saying: “If you do not like what is being proposed, abstain and vote for option D.” Then for Members to turn around and say: “Well, they had the opportunity to turn out”, I am sorry but in some cases you might say people voted with their feet by not turning up. I also do want to talk about the media in this particular thing because the media does have a role and bearing on politics within the Island. Considering it as a completely independent, unbiased and neutral part of the puzzle I do not believe is the case, and a few Members might agree with me. Thank you. We know that previously we had a Senator in the States Assembly who was very good at sending out press releases, very good at sending out media releases, and subsequently the public thought that this individual was doing a huge amount of work. But when you looked at them turning up to committee meetings, when you looked at them turning up to States Assembly votes, my word did you not get a different process, picture even.

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

Deputy, mindful of the previous intervention, I think we are straying well beyond the amendment and the general proposition at the moment.

**Deputy J.M. Maçon:**

No, I disagree, Sir.

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

No, you may disagree but I am saying that you are going well beyond into a discussion of previous States Members work. If you can get back towards the topic of the debate.

**Deputy J.M. Maçon:**

Yes, but it is about the influence of the media.

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

Bring yourself back to that then.

**Deputy J.M. Maçon:**

When you are talking about the influence of the media on this and the ability of a States Member to be able to challenge what is printed and what is said about them, there is an advantage to have a smaller district than a larger district because, again, you have the time and the ability to be able to go out and challenge those views and then it is down to the electorate to decide which way they

want it to fall. Again, I think one of the problems is, given the way our media is structured, which is very dissatisfactory to most of us and does not necessarily give the States Assembly a fair hearing, the solution is again bigger districts where your independent States Member has a much more difficult time being able to challenge what is written about them, and this is a solution to the problem. That is the reason why I brought in the media, because it needs to be considered. What I also want to say is, and quoting again from the Clothier report on page 12, section 3.2: “An inability to adhere to recent previous decisions and an urge to debate them yet again.” Senator Ozouf was quite right in saying: “This is my amendment. I have proposed this to the Assembly before” and he was quite right in saying so. Yes, we have seen it before and yet again it was defeated and yet again we are debating it. There are some questions which then takes a manifestation in Deputy Lewis’ proposition as whole.

[11:45]

When I was Chairman of the P.P.C., and if Members would like to refer to our comments dated 25th October 2013, they will see that because the P.P.C. was engaged in providing our own reform proposals we thought it is probably best we do not launch comments ourselves, we go out and get independent people to review the options that were coming forward. Again, because this is the issue that is being raised about the equity, about the better proportions and how this system, as being proposed, is so much better than our current one but it is simply not the case. If you go to appendix 2 in our report of 25th October ...

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

Sir, would the Member just give us which P reference it is or which R reference it is, please?

**Deputy J.M. Maçon:**

It is the comments we issued. The actual date is better because it is the response to P.93, P.94, P.98, P.116 and P.117. I am not trying to be unhelpful; it is just complicated. But again if you look at that and you look at appendix B, schemes ranked in order, you will see that what was proposed by Senator Ozouf comes down sixth.

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

We have moved on from Senator Ozouf. We are on Senator Farnham.

**Deputy J.M. Maçon:**

Yes, but what I mean is what was proposed then by Senator Ozouf is what Deputy Andrew Lewis is proposing today.

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

Right, okay. It was not clear to me, so it may be not clear to everybody.

**Deputy J.M. Maçon:**

I beg your pardon. What I am saying is we have already debated this, we have already had the analysis of this, and if you look at that table it puts it way down in being a good and proportional system. It puts Senator Green’s proposal of 3 St. Helier districts above that, the P.P.C.’s interim proposal better. It put the default position as second, so where we are today as second best, and the P.P.C. rejected scheme as top. If we are trying to argue that somehow what is being proposed by Deputy Lewis is somewhat better than what we have now, it is not the case. The research has been done and it is there and we have had the debate, but clearly Members have not done their research on this matter. Okay, I have got the advantage that I lived through that debate and, therefore, I know about this. When Deputy Andrew Lewis lodged this, I was like I am sure I have seen this before, I am sure we have been through this, and quite rightly so, we have. There are other tables

that go on to analyse the different proposals and once and again what was proposed then, as is proposed now, comes down on that table and is not necessarily better than the current situation. Therefore, doing an analysis of the whole scheme, it is not something that I can support. It is not something that I can support, but I have a conundrum now, because I have such huge concerns about the numbers of the States Assembly, do I support Senator Farnham to providing that backstop position because it would be worse to accept if this went through totally unamended. I am struggling deeply with that because the realpolitik is: if I support this does it then make the nightmare more likely; if I do not support this will the nightmare go through all the same? That, I think, is where I am and I think it is probably where a lot of other Members are. Therefore, I wait for Senator Farnham to sum up on this but I feel that I have done a critique of the whole system, whether it is necessarily what Members wanted to hear or not. **[Approbation]**

**1.1.16 Deputy G.J. Truscott of St. Brelade:**

Where to start? It is always good, I think, to reference back to one's manifesto, which I have done, and it plainly states in my manifesto that I am up for change. I think it is important to change. I think the entire Island believes that as well. I put a reference in my manifesto that it felt like after the last referendum it was turkeys voting for Christmas. It was never going to happen. I think today I have detected a definite mood for change, which I am encouraged by. Coincidentally, it is actually Groundhog Day. Are you familiar with the film, Sir?

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

Increasingly so, Deputy. **[Laughter]**

**Deputy G.J. Truscott:**

It is one of my favourite movies. I will not go into the full story, but basically to get out of a time trap he has to learn from the mistakes that he did the day before. I think today we have our Groundhog Day and because it is so significant, we have seen America, we have that opportunity to learn from our mistakes of the past and go forward. I have a bone of contention with the Constable of St. Mary and I did vote in the referendum. I have to say I was disappointed with the way the questions were and it felt slanted. In version A, I support Constables and I was never going to support version A. In B, I support the Senatorial ranks and was never going to vote for B. So all I had as a fallback was C, which basically was the *status quo*. There was missing B+, whatever you want to call it. We should have had the option to put Senators in larger constituencies. With regard to larger constituencies, I do believe that is the way forward. I totally believe in voter equity. I think that is so important. In my first term in politics I have sat here, listened a lot and learnt a lot and feel like I am growing all the time, which is encouraging. It was such an honour to stand for my Parish. I am a Parish boy, as is Montfort Tadier. We went to La Moye School, went to Les Quennevais, grew up in the fields, played at the beaches, *et cetera*, so it is such an honour to serve my Parish. But I am up for change, to link with St. Peter, mighty fine people, lovely people. I will start my campaign now, if I might. It is the home of rugby, the West Show, and likewise, if St. Ouen was to join in, equally as nice people, and Les Landes, *et cetera*. There is for me a silver bullet to resolve all of this, and I think Senator Ferguson has a couple of times alluded to it. That is some way down the line, certainly, but I do believe the Island would be best served by 30 Senators with an Island-wide mandate and with the 12 Constables in place. I think that would be the ideal solution for this Island, but that, as I say, is possibly for the next election. My vote will be consistent. I did vote for the first amendment and will be voting for Senator Farnham today. I commend Deputy Lewis for sticking to his election pledge. That - I think all of us - is such a commendable thing to do. I, like him, was a little disappointed with the P.P.C. inasmuch as it started the whole process with such gusto and verve and enthusiasm, but it seemed to fizzle out.

That I am disappointed by, but it is what it is. As I say, I will be supporting this and I recommend and urge other Members likewise to do so.

### **1.1.17 Deputy C.F. Labey of Grouville:**

Before I start, I would like to commend Deputy Maçon on an excellent speech, because I do not believe that we have focused nearly enough or even at all on the machinery of government. That is what he focused on in his speech. Nowhere in the media or anywhere else are they ever asking what jobs need to be done, how many jobs are there. I sit as chair of the Jersey Overseas Aid and there is an incredible amount of work to do with that, my constituency work and States work. The Jersey Overseas Aid Commission does not feature anywhere, if you ask anyone. You ask people out on the street: “Should we get rid of a few States Members?” and the popular answer is: “Yes, let us get rid of some. Let us save a bit of money.” I did some research on this saving a bit of money, but bear in mind we are running a democracy here, so it is not like a p.l.c. (private limited company), where we are looking for efficiency savings and things of that nature. But I looked into this, how many civil servants we have lost or gained since we lost 4 Senatorial seats in this Assembly? We have gained 130. Now, that includes the Andiums and the sort of quangos that we operate, but we have gained 130 and we have lost 4 Senatorial seats. Is that serving us well? I do not think so. But to consider this issue, what I wanted to do was take a couple of steps back from it and think: “Why are we changing? What are we looking to change?” We have almost had a gun held to our head, not by the proposer of this proposition - not this one, Senator Farnham’s – and the main proposition. Deputy Andrew Lewis has brought his proposition forward for all the right reasons, I believe, and I have to say some of what he is proposing is incredibly seductive. It is fair, it is easy to understand and there are a whole raft of things. It cuts some of the numbers, which in some instances may be okay, but as I say, we have to do the job of work, the machinery of government work, to work out how many people we need in this Assembly and to do the work outside, so I harbour no ill-feeling towards him. As I looked at it, I felt: “Yes, I can see exactly what he is bringing forward and the reasons why.” But in so doing, we lose the Island-wide mandate. We also lose to some extent ... not in St. Helier, it has got to be said. St. Helier Deputies carry on serving St. Helier, one Parish, one Parish Assembly and one set of issues or functions and a municipality to serve. However, in the country Parishes, where the voter turnout is far greater, where we have, one could argue, a more thriving democracy than St. Helier, we are sort of lumped together with, in my case, St. Clement and St. Martin. Now, I like both of those Parishes, I like both of their Constables, who sit in front of me, and I work with them perfectly well, so I am sure I could get on well. But what are we going to lose in that? Am I really to attend 3 lots of Parish Assemblies, everything times 3? Who has done the job of work or are the people prepared to lose that kind of commitment from their Deputy, because we are not all, as we have seen, going to be selected for high office, so let us not get too delusional on that one. I would like to give you some numbers and the differences between the urban and country, the voting and the rest that I dug out.

[12:00]

If we went to super-constituencies ... sorry, I am just trying to look at these numbers. We would be imposing the greatest amount of change to the country Parishes. St. Helier gets more Deputies and they all serve St. Helier. However, in recent times, the last Deputies elections, where there are 3 to 4 Deputy seats, there is a 26 per cent to 32 per cent voter turnout, so that is St. Helier 1, 2, 3 and 4, so 26 per cent to 32 per cent voter turnout. Where there are 2 seats, St. Clement, St. Lawrence, St. Saviour - well, some of the St. Saviour constituencies - there is a 33 per cent to 40 per cent voter turnout. Where there are single seats, there is a 41 per cent to 58 per cent voter turnout. What is it we are trying to achieve here? Are we trying to go down the route of putting 4, 5, 6 people on a panel at hustings, for instance? We seem to be suggesting that it will increase voter turnout, but those statistics prove otherwise. They prove where you have a single seat, there is a much greater

turnout. We have really got to be very careful what we wish for. If I could suggest, if it is voter turnout that we are trying to increase, a means of doing this would be electronic voting. At a push, we could increase voter turnout, especially from our young people, so maybe we should be concentrating our efforts on that. I know it is complex and I know it is not without its issues. Estonia do it, so can we please take a leaf out of their folder and see how they go about it? But also when considering this issue, I have been in the States Assembly for 15 years now and I have never had a single complaint about voter turnout, participation, voter equity. I have never had anyone approach me about that issue. Obviously I am not so naïve as to think it does not exist, but if it is proportionate representation we are looking for, and the Constable of St. Helier made a speech about fairness, it seemed a little odd to me that a Constable with a population of 34,000 people is talking about fairness, when alongside of him or just in front of him you have got the Constable of St. Mary with 1,875 population. Where is the fairness in that? Clearly the elephant in the room is the Constables. Now, we have had a referendum - we have had 2, in fact - and I make no apology whatsoever in not accepting the 2013 referendum, which in my opinion was a complete fudge. It was a fudge. Most people that I have spoken to came out to vote for their Constables in that election. They were given the option of super-constituencies or super-constituencies or nothing, with the Constable thrown in just to give you a bit of a choice. Most of the people that came out that I spoke to at the Parish Hall were coming there to vote on the Constables, and lo and behold, that was inconclusive, so we had to go back and have another referendum in 2014 to ask them what they thought of their Constables. The results were similar, I think it was 60:40, but it was less so for the 2013 referendum. But I believe that is what they were voting for. Going back to my constituents, what they really find difficult at the moment is not reform, although some wish to reform. We need to put together a package, a set of measures, not this piecemeal sort of a bit of this and a bit of that, because we have seen, since we started on this road, our democratic system has got worse and worse and worse. I would go back to 12 Senators with different voting days any day. I think what we had then was about right. We had the constituency work, we had Senators and enough Senators to take on the ministerial ... well, it was not then, but should be. The Chief Minister, who supports the Island-wide mandate, I believe, if he truly supports the Island-wide mandate, then he ought to be looking to the Senatorial benches for his Ministers. Now, I know there are not enough, so maybe he should be bringing something forward, maybe P.P.C. should be looking at this, because otherwise what is the incentive to stand for Senator? If there is no difference, what is the point? There is an issue, which is why I found Deputy Andrew Lewis' proposition seductive. I am not going to stand here and advocate we should dispense with the Island-wide mandate before we have asked the people, because I believe that is the one seat that they want to retain. Also when people go the polls to vote on the Island-wide mandate, I believe it gives us a flavour of what the Island thinks. I have seen elections in the past, Deputy Alan Breckon, when he went to be Senator Alan Breckon, in those elections, all around the country he was sort of eighth, ninth in the polls. When he got to the urban Parishes, St. Saviour, St. Brelade, St. Clement and St. Helier, second. If we go into super-constituencies, we are going to do away with that. We will not have a measure of what the Island, the Island as a whole, is thinking. For me, that is a very, very important issue. It is an important issue too that the whole Island should have the ability to vote for whoever becomes the Chief Minister. If we have got Senatorial seats, the Chief Minister should come from those benches. I have brought a proposition in the past which got defeated for the Minister for Treasury and External Relations too. I think if people are representing our Island in that capacity, they should come from the Island-wide mandate, otherwise what is the point of Senators sitting there, other than to give us a flavour of what the Island is thinking? I believe our focus is not quite right. What I hear more than anything what people want from us is a well-run Government, which I do not believe we have at the moment. We witnessed a fortnight ago a shambles in here, an utter shambles. We have senior civil servants running amok; we have power concentrated on too few; lack of leadership; lack of transparency from the Council

of Ministers, not only to their colleagues in here, but to those outside. We have a lack of honesty, where taxes are dressed up as charges, where there is a cap for the rich, but we are happy to burden the poor. There has been the Christmas bonus fiasco; extraordinary sums of money earmarked for our hospital, where similar hospitals are built in the U.K. for half the price. That is what is concerning people, not sort of tweaking, about standing here talking about ourselves yet again. To sum up then, I like the Island-wide mandate, I like the constituency work in the Parishes and I want to put to people, if they are going to lose their Parish Deputy, they need to understand that it will be impossible to split the Parish Deputy 3 ways or have 5 or 4 or however many people we have running around doing the same thing, as they have in St. Helier and the other urban Parishes, which gets less people at the voter turnout. I will leave it there.

#### **1.1.18 The Very Reverend R.F. Key, B.A., The Dean of Jersey:**

I rise simply to say that I have great concerns that Members are rightly wrestling with their consciences, because this seems to me not to be a battle between good and evil, but Members are trying to balance how you keep various things that are all good to come up with one result. We are looking at equality and identity, fairness and history. We are not the only legislative Assembly in the world that has to try and do those things. In the United Kingdom, for example, not every constituency, despite myriad commissions, is of the same size. Part of that is simply because communities have an identity which is undeniable, and therefore to share an M.P. with somewhere else would not quite work, or to try to transfer a few thousand one side of a river to the other would not quite either. So you have what looks an inequality, but it is the best that can be done. In the United States of America, and their electoral system has been much in the news recently, they attempt to solve the problem by having 2 Chambers. In the lower House, the number returned by California is greatly in excess of the number returned by Rhode Island, but in the Senate, to make sure that the good of identity is preserved, everybody gets 2. Now, it might be said that that is not fair, but it seems to be the way they react to balancing their identity as well as equality, their history as well as fairness. I have heard lots of good speeches this morning, as people from various sides of the divide on this issue - and there is certainly more than one divide - try to balance those things. Fairness: it seems to me undeniable that St. Helier ... and yes, I am biased, I am a St. Helier voter and I am still titular rector of the Parish, even though the vicar now does the lion's share of the church work there. Of course it is under-represented, I have not heard anybody deny that, but there is a parochial identity. One of the things I enjoy doing with Deputy Mézec is serving Christmas lunches for the older folk. I do not know whether this is playing to our strengths, but he always gets to help serve the food and I am always chosen as the wine waiter. But there is also an Island identity. One of the reasons why, for example, the faith leaders were on the front page of the *J.E.P.* (*Jersey Evening Post*) a couple of days ago about the Trump travel ban, why were we speaking with one voice? Not because we had got together and cobbled a common position, but because we know that when the fog comes down, we are defined by the ocean around us and there is therefore an Island identity as a totality, as a whole, which is a good thing.

[12:15]

So there is a parochial identity that is a good thing, there is an Island-wide identity that is a good thing and there is a demand for greater fairness, which is a good thing. It seems to me that in the speeches we are hearing this morning, we have, from different positions, people trying to balance those 3 good things and the political judgment - which mercifully, because I am not in the Isle of Man, I do not have to have any part in making - is exactly where you cause that balance to be struck. You could put into that mix along with the good things our perception of people's desires. We have heard that people desire the Senatorial seats, and those who stop me in the streets, my ears would say the same thing. That is what I hear. I have absolutely no academic reasoning for that, but that is what I hear. I also hear people saying: "I want to know, who is my representative? It

might be my Constable.” I was very touched by Deputy Bryans’ excellent speech earlier this morning. He and I share the experience of people in need ringing us up at unsociable hours and wanting us to go around. The thing you can almost guarantee is that the presenting problem is not the real issue and it may well be the loneliness or what have you. Now, if I am feeling lonely at 3.00 a.m. in the morning - and, Sir, through you, I promise them I am not going to do it - I do know that it is Deputy Bryans or Deputy Mézec or Deputy Southern that would get the phone call, because that identity is there. Now, it may well be that we can do that with the larger areas; I am certainly not saying for a minute that we cannot, but it would be something to work at, because it is a desire in people to know who their person really is. Whichever way forward people go for, it seems to me that it will be that balancing act: equality is a good, identity is a good, fairness is a good, and knowing where you have come from is a good, because as Joni Mitchell told us in 1970 - and I am sorry, I was not in the Island in 1970, I had just gone up to the University of Bristol and we were all sitting around with our guitars, strumming along with her “Yellow Taxi” - “You don’t know what you’ve got ‘til it’s gone.” It does not mean that some things should not go, but just that you consider that you know what you have got before you hit the delete key. Members, as I did in that lovely French prayer this morning, will most certainly have my sympathy and my prayers as they cast their votes.

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

We have had some excellent speeches this morning and I would like to mention 2 in particular. The Deputy of Grouville, while I do not agree with her, the speech was excellent. While she was speaking, I had a conference with my colleague, the Constable of St. Martin, and we have agreed that should St. Clement, St. Martin and Grouville become one major constituency, the Deputy of Grouville will get an invitation to the branchage dinners. **[Laughter]** The other excellent speech, and one I also do not agree with, was Deputy Maçon. I think the underlying message from Deputy Maçon is that he does not really want any change to our current system. Now, I say to the Deputy if that is the case, he is wrong. Change is going to come. Change will come either today, next year or the year after and it will come because our current system is manifestly unfair. It is proven to be unfair from all the reviews, the commissions that we have had. If they are all wrong, then goodness knows where we go from there. Now, a number of Members this morning have said very authoritatively that the people of the Island do not want to lose the Island-wide mandate. They have got no justification for making that statement, in my view. There is no evidence for that. If you want any evidence about a class of Members that does have some sort of legitimacy in this Chamber, in this Assembly, it is the Constables, because we had a referendum about them, did we not? The public said quite clearly that they wanted them. Those who say that the Island-wide mandate is wanted by the Island may or may not be right, but we simply do not know. But I do know, I do believe that if we had a standalone referendum which said: “Do you want to keep your Island-wide mandate?” the answer would be a resounding: “Yes.” As it was, when we had the standalone referendum: “Do you want to keep your Constables in the States?” we got a resounding: “Yes.” I suspect that if we had a standalone referendum on: “Do you want to keep your Deputies in the States?” you would get a resounding: “Yes.” Equally, if you had a standalone referendum which said: “Do you want fewer Members in the States?” you would get it equally, probably a more resounding: “Yes.” Of course I would say to Deputy Maçon, of course we can manage with fewer Members. We would have to change the way we do things. We would have to modernise, we would have to become more efficient. He spoke about Guernsey and the 2012 election, I think. The 2016 election, at that time they had a lot more Members than we did. Now they have fewer Members than we did, their constituencies return fewer Members so you get a much fairer and better result, as we would if we go along with Deputy Lewis’s proposition. But these standalone referenda which I have suggested are meaningless. They are meaningless unless the referendum offers a package as to what happens if one of those particular groups disappears from the electoral



scene. That is why the Constables' referendum, in my view, was flawed, because it did not say what would happen if the Constables were removed. Would they be replaced? Would we have fewer Members? Would we have more Deputies? What would happen? Therefore people who did not know what the change would bring supported the Constables. Now we are talking about the Senators. In fact, the 2013 referendum did give the complete picture. It said what would happen if you support this option B or Option A and the people decided no matter how much they wanted to keep the Island-wide mandate that the package they were offered was good and reasonable. They realised they had to make compromises; they realised they had to make sacrifices as to what they really wanted. We are going to have to do the same at some stage, whether it is today, as I say, next year or in years to come. As I say, the people saw they need the change more than perhaps some of us do, and they accepted those compromises. But of course when it came to the States, we rejected the result of that referendum. We have had all sorts of excuses as to why we did that. Some people have been saying: "I rejected it because the turnout was too low." To be honest with you, I would rather accept the views of 26 per cent of the people who bothered to turn out, who were interested in the electoral system, than the 70-odd per cent who did not care and did not register their vote, did not even spoil the paper. It is the people who are interested who want to know and want to get involved with the electoral process that I would rather support. But we did reject the results of that referendum. I, as a Member at that time, was guilty as anybody for doing that. I did not vote against, I abstained, which was effectively the same thing. Now, why did I do that? It was because I had always been a 100 per cent supporter of the Clothier recommendations, and it has always been a great regret to me that we have never asked the people what they thought as a package of the Clothier proposals. I think that has been a great tragedy and a great failing of successive States. Why am I such a big supporter of the Clothier proposals? It is because they maintained the Parish system as the basis of our political structure. That to me is very important, because Parish life, the Parishes, they are the basis of our social life, the basis of our cultural life and the basis of our political life. I was worried that if we went for option B, the large constituencies and only the Constables in the Parishes, that we would gradually lose that. I think the referendum that we did have, even though I have said it probably was not as significant as it ought to be, has maintained that at least for a good number of years into the future, the Constables will be there to represent the Parishes, so I do think that I have more of an opportunity of supporting basically option B and what Deputy Lewis is proposing today. I am more likely to support it than I was back in 2014. Now, somebody said: "No one has made a case for removing the Island-wide mandate, removing the Senators." It was Senator Green who said it this morning. Do you know what, the reality is we have already made that decision, that Senators are going to go. We did that when we changed their remit from 6 years to 3 years, when we combined the day of their election with the Deputies and the Constables, because I think as somebody mentioned earlier, the reality is in due course, in time, the role of the Island-wide mandate under the current system is going to wither on the vine, because traditionally there are senior Members that have been in the States for a long time, generally speaking. Occasionally you get one or 2 that come in without having any previous political experience, but generally it is Deputies who move up to the Senatorial roles. Now, what Senator who feels he has got a reasonably safe seat and has done a reasonably good job is going to take the risk, as a couple of Deputies did at the last election, of losing their seats for an Island-wide election, which is more tiring, more time-consuming and more expensive than stay where they are and have exactly the same rights, privileges and duties as they have? It is simply not going to happen. As the current Senators move out, generally speaking there may be one or 2, but generally speaking it will be newcomers coming into the States and the public will say: "What is this? Those are not our senior Members. Those are new people." When you think about it, this proposition proposes that we keep the Island-wide mandate, but also to have the large constituencies. They will all be elected on the same day, so we will have mini-Senators, if you like, in the larger constituencies having a Senatorial-type hustings and election campaign while the guys

in the bigger constituency, the Island constituency, will be doing exactly the same. How do you think the Island is going to cope with that? They are not. It is a joke. If you are going to have large constituencies, then really we cannot have the Island-wide mandate as well. It has got to be one or the other. The other, as I said in the opening of my remarks, is not acceptable because it is not fair, so either we go with Deputy Lewis's proposal or we leave things as they are and change it a bit later, further down the road, but we cannot have it all ways.

**1.1.20 Deputy S.J. Pinel of St. Clement:**

At last. I sometimes wish I had the constitution of a camel. While we live in a democracy, and this is a debating Chamber, surely after so many years, referendums, lengthy reports and even lengthier speeches, we must make a decision. I concur with Deputy Andrew Lewis that if we do not change our electoral system now, it may never happen. The majority of the people in Jersey have indicated that they want change. I appreciate that some of the population and some Members of this Assembly wish to see the Island-wide mandate currently - the position of Senator - retained. Whatever the number of candidates, the Senatorial hustings in recent times are impractical. With one and a half minutes of questions only to each candidate, how can one possibly ascertain who is suitable for the position? There are some very intelligent, very eloquent and good people who might run for Senator, but with the current system, if they are not selected, they then cannot put themselves forward as a potential Deputy. A Senator does not necessarily have a better worldwide view than a Deputy, together with the fact that most of the issues debated in this Assembly affect the whole Island, for which each Member, whatever their title, has one vote. In 2013, I was a strong supporter of option B and I still am. Proportionate representation or voter equity is manifested in the way the larger constituencies are defined. Come the elections, while walking the streets, 3 or 4 Parishes may be hugely time-consuming and exhausting, but at least some of the population will have the opportunity to meet and question the candidates for Deputy in their district. Just as importantly, the candidate will have the opportunity to listen to their concerns.

[12:30]

I ask Members not to accept any amendments and vote with the proposition. There is an Army saying: "J.F.D.I." Let us just do it.

**1.1.21 Senator P.F. Routier:**

I have a real worry that the headlines on the paper tomorrow and perhaps on the television hopefully tonight will say the States reform failed. I have got this horrible premonition that we could end up in that position and I really do not want to be associated with that, because we need to be effecting some change. This Assembly failed to implement the outcome of the last referendum. I supported those changes, but got tarred with the same brush as everybody else: "The States failed to reform the changes." I really regret that path that this Assembly has taken. I have been a strong supporter of Clothier right from the outset, and as the chairman of P.P.C. said, it is a real regret that that was cherry-picked and we ended up where we are at the moment. In the next elections, I would be prepared to serve as a Deputy, a Senator or even a Connétable - I wish he was here to have heard that - but to me it is serving our community in whatever position it is. It does not matter to me at all. If I am offering myself to serve our community, I am prepared to do it in whatever form. In saying that, because of the experience I have had of being a Senator and a Deputy, I know the value from personal experience that people see in the Island-wide mandate. I am going to support this amendment, but what I am concerned about, if this amendment is successful, that the proposer of the main proposition, I do hope he will continue with the debate, because I am concerned that he might feel that it takes away from what he is trying to achieve. I would hope he will continue with the debate, because I think it is important for all of us that we do see some

change. I do not want to see the headline on the paper tomorrow or on the evening news that the States has failed to again reform itself. I urge Members to progress and achieve some change.

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

There are 3 Members of this Assembly currently and the debate before us is another one as to whether or not we shall be 2 Members, 3 Members or what I am more worried about is all illegitimate Members. Can I just take this one step at a time? I was grateful that 20 Members voted in favour of my proposition yesterday. I was almost surprised that so many people did. I hope all those that voted in favour of yesterday's proposal will continue their support with Senator Farnham today. But let me just say to the Constables, for my part there is an unfairness, but there is legitimacy. They are 12 out of 49 and they had a voter turnout with a referendum with, I think, a proper number of people that means they are legitimate. To me that issue is settled. Then there is the issue of the Deputies, which is at the heart of all of these amendments, and again the flexing of them. Members of this Assembly are 60 per cent Deputies, and what I say to those, if I may compliment almost the number of people who do not normally agree with me. I was very struck by the remarks of Deputy Maçon. I was very struck by a number of the other remarks of some other people, who really said some very thoughtful things. At the same time, they said that really they want to change, they want the system right, and Deputy Maçon said: "Of course there should be better legislative scrutiny. Scrutiny is not working and we need the right numbers of Members." He is absolutely right. Perhaps as a Back-Bencher, I may be able to help with some of that. But I just say to him, with the greatest of respect, the fact that there is 2 tenets of democracy, the same number of votes per person as any other Islander, man or woman, wherever you sit, whether you vote in his district in St. Saviour or St. Clement or St. Helier No. 3, everybody has to have the same number of votes, one or 2 excepted. This proposition allows that, because of the referendum, the conundrum that the people have put. At the moment, the system is not right. It cannot be right that St. Lawrence has 2 for the same population of Grouville. It cannot be right, with the greatest of respect, that his district, with 3,000 voters, delivers 2, where St. Martin has more citizens that delivers one. It cannot be right that St. Helier, with 5,000, delivers 3, and the Deputy of Grouville also has 5,000 that delivers one. It is just wrong and we have to say that. I think there is an understanding of that. Absolutely, if we need to do some more work about exactly the makeup of the constituencies, for me that is an issue of a proper process immediately that follows today's discussion. That is okay; that is right. I sought some guidance on what is principle and what is improvement. No Bill goes before a Parliament and says: "This is the principle, that we are going to pass a law to say they are secondary schools and it is going to be this" and then that is it. Of course it goes through a revision process. That is a revising Chamber. It goes to Upper Houses in big countries and it goes to Select Committees in others. Yes, there is some detail to be worked out. Let us get that detail right and let us go out and talk to people. Let us go talk to the people of St. Martin and Trinity and the other places to say: "What is the district that works with that equality of vote and equality of numbers?" I believe that that is possible. I am an optimist. Even though I have had a really tough time in the last of couple of weeks, I still wake up every morning and sing: "Jolly hell, Philip, you are an elected Member. You are here to serve and you are going to do something positive." I will work all the hours that all the other Members of this Assembly do to get it right, but what is not right is what we have at the moment, in making no decision. What really worries me, what I have heard this morning, is that if Members have the temerity to vote in favour of Senators that the proposition was going to be attempted to be pulled. That is what really worries me. That is a statement, if it is true, that says we are not interested in equality, in equity, we just want something for ourselves. Now, I am here, as we all are, not for ourselves but to serve the interests of democracy. We want a system that is better, we want a system that we can say we have a better-functioning service democracy that is fair to every citizen. We want a system where every person's vote counts in a pretty well equal way. There is a lot to do in our democracy. On the one

side we have a booming economy. The good news is not spoken about very much, but there is an awful lot of it. If I may, the news of economics is better than our friends in Guernsey; it is a lot better than other places. I know we get a lot of stick about it. We have made some tough decisions, but we are not getting the recognition. But the font of the democracy, the foundation in which people see it played out is not working, so we have to fix it. I say to those Members who do not understand election observers, election observers do look at the system and we have hidden it from the international glare of publicity for too long: 21 years is a pretty good record of trying to hide the truth, but the truth is going to come. I do not want the Jersey that I love to be cast as the listing in Eritrea, illegitimate, unfair, unequal. Fairness, properly elected, that is what we can get and we can get there before May 2018 in a proper way. I will just say one or 2 other things in relation to Members' speeches, because I think the light has gone on, just as the Chief Minister did so yesterday. It does not take 3 Senators or 3 Deputies to change a lightbulb, it is one Chief Minister and an usher, so well done. To Deputy Bryans, I say it is not only a Deputy that receives calls like he does. We have all been humbled and we do not talk about it, but each one of us in our roles has made a difference to a life, because that is what service is about, but you can do that with a 3-Member Assembly that works. Deputy Ferguson, I am surprised, I thought she had been here for ever ... Senator Ferguson, I am sorry. She was here as a Deputy first. I have done it again, you see? She was here as a Deputy first and she is now a Senator. She is as Jersey as anybody and just as I regard anybody that has come to Jersey 6 months ago. It does not matter. I do not even blame the Constable of St. John for being born in South Africa. He agreed with me today and I hope he is going to stick to his principles. To the people who are going to vote against Senators, I say this: be democrats. Deputy Mézec said there is no point in electing Senators. Well, why did he stand for the position of Senator? To the Constable of Grouville, I commend his remarks; Deputy Noel for his courage. He is one of the ones that is losing a seat. The Constable of St. Helier, I say Constable, please listen, please listen: an amended proposition gives him more Deputies in his constituency, however we finally work them out as. That will work. But do not give up what there is no mandate to do. Let us look back at the system as a whole. Let us listen to Deputy Maçon and what he said and let us not, as the Dean said, press the delete button. That was the most frightening thing I heard this morning: "Delete." Are we ready to press the delete on Senators? Do we have the mandate to do it? Do we have the public opinion behind us to do it? No, we do not. The flipside is that we have got to do something. So let us go with Senator Farnham's in principle proposition, let us go forward and then approve it and then let us come together for once in the interests of the people that we serve to avoid a situation next May where either we will have very unhappy Islanders who have lost something that they do not understand; alternatively we get condemned as Eritrea. I mean no disservice to Eritrea or the Eritrean system, because that is one of the countries that is held up as undemocratic, because it is unfair. Let us not press the delete button, let us press the pour button.

## **LUNCHEON ADJOURNMENT PROPOSED**

**Senator P.F. Routier:**

I sense that the Senator is going to speak for some while, Sir, so may I propose the adjournment?

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

You may do. It is agreed to adjourn? The States will sit at 2.15 p.m. this afternoon.

[12:43]

## **LUNCHEON ADJOURNMENT**

[14:16]

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

We now resume the debate on amendment 2.

**The Connétable of St. Mary:**

If I might, could I raise with you, Sir, I know we took a vote some time ago to sit tomorrow but we are here on Thursday afternoon and I believe it would be possible for us to conclude if we perhaps stayed on later this evening. I sounded out a few Members during the lunch break and the feeling is that we are at a point of momentum and that we should not ... well, momentum, are we hurrying something? But it would be preferable to carry on the debate, if we can. I would like to hear your views on that, Sir.

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

If the Assembly wishes to have a discussion on changing its decision to sit this evening after 5.30 p.m. rather than to continue Friday, that is the proposition?

**The Connétable of St. Mary:**

It is.

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

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

**Deputy M. Tadier:**

My concern is that we are unlikely to finish this debate today, I think that is a given, whether or not this amendment is accepted. The substantive proposition will presumably have a lot of speeches based on the fact that it has attracted a lot of speakers so far. I think we also need to hear from the mover of the substantive proposition as to whether he wants to adjourn even until next week possibly or come back tomorrow. The point I am making is that we will not be in a position to know until we have at least dispatched one way or the other with this amendment.

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

Again, this has suddenly been thrust upon us, about the idea of doing it tonight. Some of us have got meetings that we are going to and I think it is wrong. If we are going to be debating something of this importance, we need to see it through. If it takes Friday or if it takes next week, let us do it. But the point is just to say: "Carry on tonight", I have seen so many rushed decisions in this House. People get fed up, it goes beyond 6.00 p.m., all looking at their watch, thinking what they want to do or thinking about their tea. To be perfectly honest, they vote irrationally, put it that way. I would not say whether they vote with me or not, they just want to get a vote and that is not the way that we should be operating. I would argue that if we cannot finish by the time we finish tonight that we should go either Friday or next week or whatever. I say it is also rather unfortunate this has been brought at this point in time, when the proposer of the main proposition is not even in the States Chamber to be able to answer. Oh sorry, you are back. Okay, in that case that objection is not so; I did not think he was here. But I certainly think that let us not just carry on to try to rush it and make a decision. I think that is wrong.

**The Connétable of St. Clement:**

Just very briefly, I do not think, in response to Deputy Higgins, that we could be accused of rushing this debate. However, I think there is much merit in what the Constable of St. Mary says, albeit we have made the decision that we would sit tomorrow, but I think we are possibly a little premature in trying to make that decision and we should consider what the Constable has said and perhaps consider where we are around about 5.00 p.m. and make a decision.

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

Does any other Member wish to speak? Senator Bailhache, do you wish to speak on this? Sorry, we are not there yet. Constable of St. Mary, do you want to wind up?

**The Connétable of St. Mary:**

I just wanted to say I understand Members' positions, but the fact is this: we have debated this for a day and a half pretty much relentlessly and I think a lot of the Members who, like myself and others, have said they have spoken with most of their feeling in one particular part and they are probably not going to say an awful lot more at different stages. I just mention that, but the fact is we took a decision that was against Standing Orders last time to sit on the Friday. We all set aside these 3 days for debate. I have got meetings tomorrow that I have had in the diary since before Christmas and of course this is an important debate and I will have to go and cancel them. I would just like to be able to let people know at the meetings that 4 or 5 other people are involved in tomorrow, which are very important, have a bit more than 5.00 p.m. notice. That is why I brought it up now. I just think that we are not rushing the debate. I am saying let us carry on and have the debate, but I think that if we come back tomorrow, experience tells us any Member who has been in these debates before, we will take the whole of tomorrow to get to the decision we could have got to tonight.

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

Deputy Kevin Lewis, the debate has now finished. Is this a point of order or a point of clarification?

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

Yes, indeed. I do believe originally, Sir, we were scheduled to have Friday as a possible States day. The Constable of St. Clement will correct me if that is incorrect, but maybe the Constable of St. Mary would like to withdraw this proposition for now and bring it back at 5.00 p.m., if she feels the need.

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

I was going to ask the Constable, are you asking for the appel; are you asking to withdraw? What is the plan?

**The Connétable of St. Clement:**

It is just that at 5.00 p.m. tonight, it is a bit late to be cancelling all the things that other people have got in their diaries for tomorrow. I know we did think about tomorrow as a possible, but I would like to know if we are definitely going to be here tomorrow, I will cancel my appointments now. So let us go for the appel. We can always reschedule and we can always talk about it again at 5.00 p.m. if Members want to re-debate the same proposition again.

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

Senator Ferguson, this has to be a point of order or a point of clarification, because the debate definitely has finished.

**Senator S.C. Ferguson:**

I think a point of clarification is a lot of us have things booked for tomorrow which we have changed.

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

That sounded a little bit like a contribution to the debate, which has now finished. Okay, the appel has been called for. The proposition is that the ... Deputy Southern, is this also a point of order or a point of clarification? Because the debate has really finished.

**Deputy G.P. Southern:**

I hope it is a point of clarification, Sir, in that there is an alternative, that we should declare that a week on Tuesday is the continuation day for this debate. It seems to me very important when you have got to get a minimum number of votes that you should allow people to be here, i.e. on a normal States day rather than a Friday, which is exceptional in that sense, and may well be marked by several further absences.

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

That is a different proposition, so I think we need to reach a decision on this proposition. The appel has been called for. The proposition is that the States continue this evening until the end, rather than sit tomorrow. Members are invited to return to their seats. I think everyone is here. I ask the Greffier to open the voting.

<b>POUR: 25</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 15</b>
Senator P.F. Routier		Senator A.K.F. Green		
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator L.J. Farnham		Connétable of St. Martin		
Senator P.M. Bailhache		Deputy J.A. Martin (H)		
Connétable of St. Clement		Deputy G.P. Southern (H)		
Connétable of St. Peter		Deputy K.C. Lewis (S)		
Connétable of St. Lawrence		Deputy M. Tadier (B)		
Connétable of St. Mary		Deputy E.J. Noel (L)		
Connétable of St. Ouen		Deputy M.R. Higgins (H)		
Connétable of St. Brelade		Deputy J.M. Maçon (S)		
Connétable of St. Saviour		Deputy S.Y. Mézec (H)		
Connétable of Grouville		Deputy of St. Ouen		
Connétable of St. John		Deputy S.M. Bree (C)		
Connétable of Trinity		Deputy of St. Mary		
Deputy of Grouville		Deputy P.D. McLinton (S)		
Deputy of Trinity				
Deputy of St. John				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy T.A. McDonald (S)				
Deputy G.J. Truscott (B)				

**1.1.23 Senator P.M. Bailhache:**

If Members support this amendment of Senator Farnham, the headline in the *J.E.P.* which Senator Routier fears will undoubtedly be the case. The Constable of St. Clement explained very eloquently why that was the case and I am not going to repeat it. To combine large districts with an Island-wide vote would be an absurdity. Either Members want to change, as they should if they are democrats, and in that event, they should reject the amendment. There are 3 differences between, as I understand it, this amendment and the amendment of Senator Ozouf, which was rejected yesterday evening. The first is that it puts 6 Deputies into St. Helier No. 1 and 2 instead of 5. Voter equity was one of the principles of the Electoral Commission. I can just about accept 5 Deputies or Senators in St. Helier No. 1 and St. Helier No. 2, but even on its own this would break the camel's back so far as I am concerned. What would be the justification for giving electors in St.

Helier the right to elect 6 representatives while we give electors in every other part of the Island the right to elect only 4 representatives? I hope that Senator Farnham will deal with that point when he sums up. The second difference is that it alters the constituencies or large districts by putting some Parishes into different places from the place in which they were in the Electoral Commission's report. I am not quite sure why this has been done. Senator Farnham indicated to me that he had had talks with different Constables and that this or that Constable or this or that Deputy had wished to see a Parish put in different places. Again, I would like to have some clarity as to why that change has been made, because again, it is not a change that has been consulted upon. It is entirely new so far as the people are concerned and I would have thought that people had the right to be consulted and to think about the way in which their electoral constituencies were going to be constructed. The third difference is that it increases the number of Members to 48. There was only one thing about which almost all the people who gave evidence to the Electoral Commission were agreed upon, and that was that there were too many Members of the States. This amendment would reduce the number by a paltry one. The Constable of St. Helier said: "Well, of course people always want to reduce the number of Members of the Legislature" and he is right, I accept that. But I do not accept the points made by some Members, the Deputy of St. Mary in particular, I think, that no consideration had been given as to whether the Assembly could function with a smaller number of Members. I do not know whether the Deputy of St. Mary has read the report of the Electoral Commission. He was not a Member when the Electoral Commission reported, but there is a lengthy explanation at paragraphs 4(1) to 4(12) of the report as to why the reduced number recommended by the commission of 42 would work. Contrary to the speech made by Deputy Maçon, the commission considered the Clothier report. I am reading from paragraph 4(3): "The panel [that is the Clothier panel] recommended an Assembly of between 42 and 44 Members. In considering the appropriate number of Members, the commission took into account the current machinery of government, which has evolved since the Clothier report and which enables Members to serve in a number of different capacities." Then it sets out all the capacities in which Members can serve. Then the report concludes: "The commission has concluded that an Assembly of 42 Members would be able to perform all the functions of government and of Scrutiny more effectively and efficiently than a larger number. In a representative democracy, it is not sensible to have more Members of a legislative Assembly than are necessary." Senator Ozouf posed the rhetorical question - or perhaps he did not pose it as a question, perhaps he argued - that the States had no mandate to remove the Senators' role. The Deputy of Grouville said that she thought that in the referendum people had turned out to vote in order to support the role of the Constables, and by implication therefore that they had supported option B only because they wanted to see the Constables remain in the States.

[14:30]

The fact of the matter is that voters had a choice if they wanted to see Constables remain in the States. They could vote for option B or they could vote for option C. Voting for option C would have the additional advantage of retaining the Senators, but they did not do that. Only 19 per cent of the people who took the trouble to vote voted for option C. Senator Green said that Deputy Lewis was adopting a piecemeal approach. This is hardly a piecemeal approach, unless he was referring to the amendment of Senator Farnham, but I do not think he was, I think he was referring to the proposition of Deputy Lewis. This is an implementation of a composite solution, examining all the issues, which was put forward by the Electoral Commission and put to the public in a referendum. The truth of the matter is that Senator Green and many others like him do not really want to see any change. They should have the courage of their convictions and they should vote against the amendment of Senator Farnham and against the proposition of Deputy Lewis and then the situation will remain exactly as it is today. That is the approach that they ought to adopt. To



adopt Senator Farnham's amendment will, I am afraid, lead to a gradual disintegration, either today or later, of the prospects for reform and that would be a very sad thing indeed.

#### **1.1.24 Deputy R. Labey:**

I marvel at the perspicacity of Members, who have disclosed their certain knowledge of exactly what the public wants in regard to electoral reform. I wish I had that insight. I would caution against confusing the palpable fatigue within this building with the attitude outside it, externally in the wider Island, because I would hazard that the public do not see closure on electoral reform, done and dusted, as the last chance in the Last Chance Saloon before the next general election. I reckon the public wants and deserves the best solution, not the dog's breakfast that is before us, resurrected from a failed referendum. Perhaps the most scientific market research that we can rely upon was the last Mori poll in 2006, 2007, and the priorities that the public registered in that poll was first, the Senators; secondly the Constables; thirdly the Deputies and fourthly, general election. Here we are putting the finishing touches to a near complete reversal of those priorities and preferences. Researching this last night, I wanted to find out the exact date of that Mori poll and I Googled in the States Assembly website in the Hansard section "Mori reform" and up came various results. I hit on Hansard for Wednesday, 26th September 2007, because Deputy Martin was asking questions of the then P.P.C. chairman about the Mori poll and I found that interesting. I kept reading this Hansard. In fact, that is how sad I am, I read - I skimmed through, but read - the whole day's debates because they were fascinating, because we also had on that same day the law that P.P.C. were bringing in on the back of the Deputy of Grouville's proposition on enfranchising 16 and 17 year-olds. My goodness, did she not take some flak for that? We also had the debate, I think proposed by the then Deputy Troy, on giving the Deputies a 4-year term; I think the Constables had already been given it. I found this very interesting and I carried on reading this. What was both fascinating and terrifying is how we are getting the same arguments I have heard almost verbatim, exactly the same arguments in connection with electoral reform as there was in that debate in 2007. We are just going round and round on the hamster wheel. There was an interesting submission by the then Deputy de Faye, erudite and amusing, as usual, and he suggested that all Members be given a fag packet to write their idea for electoral reform on, toss it into the middle and get the Greffier to pick one out and that was the lucky winner. He also went on to address the number of Members. On that he said: "Some are saying 48, some are saying 44, some say 42. Perhaps you could go down to 36, but we have to date, to my knowledge, no single report that has identified what the minimum number of Members would be required for effective Government, in other words, how low we can go." Of course we have heard that yesterday from Deputy Martin and today again. I repeat it because for me it is the salient point here. I have wrestled very hard with Deputy Lewis' proposal, but I commend him for bringing it. He has played a blinder. It has given us a lot to think about, but it is the number 44 that I cannot deal with. By the way, Deputy Wickenden tells me that it is officially in the United States Groundhog Day today, but of course, as irony would have it, we are going through the same thing here. I just do not get it: our population is going up, it is higher than it has ever been before and yet we are trying to reduce the number of States Members. It does not make sense for me. Also it does not take into consideration basic human resources considerations. If we were 44, we would at this time be down to 42. Unfortunately, people get ill; fortunately, people get pregnant. We have to carry some ballast to fill in behind. When I cast "Chitty Chitty Bang Bang" at the London Palladium, 30 adult cast, I cast 36, because I need 6 people to fill in behind those who go sick or on holiday or for whatever reason, so I have to have 6 who come in every night. Some of them go home without performing; some of them go on stage. Two of them will always go on stage generally. Sometimes there are 6 who go on stage to fill in behind. Cutting this very, very short, the point is it is expensive to carry 6 people like that, but we do it so that the fee-paying public do not notice any diminution in the quality of the show. The same is true for the tax-paying public of this Island. That is why we have

to do it. There has been no consideration for that. Frankly, I think within this House and without it, there is not a full understanding of the workload of Back-Benchers. I hesitate to use the term "Back-Benchers." Is the Deputy of St. John a Back-Bencher? No, she absolutely is not. She might not be in the Executive, but she is a front bench spokesman for holding this Government to account. So is Deputy Andrew Lewis; so is Deputy Renouf; so are lots of them. I do not like to use the term Back-Benchers. I remember when I was on a C.P.A. (Commonwealth Parliamentary Association) conference in Canada and one of our seminars one morning was entitled: "How an M.P.'s office works" and it became very apparent - there were 26 other delegates from all over the world - in that seminar that I was the only one who did not have an M.P.'s office as everybody else understood it. I did not have the secretarial support, research support, what have you. I have the Greffe and also can tap into all the civil servants from putting in a Private Member's Bill. But we have got a lot to do on reform of how we work and I do not want to be in the room when we have gone down to 44 Members, when somebody has to go to the Constable of St. John and say: "Yes, I know you are the Public Accounts Committee, I know you are on Corporate Services, I know you are on the Comité des Connétables, I know you bring in Private Member's Bills yourself, which takes a lot of time and effort on the part of that basis, but we are short of numbers, we need you to sit on another committee too." Good luck to them, good luck to them. So there is a lack of understanding. This push for a reduction of numbers, this continual push for a reduction of numbers generally is coming from the Executive and I am worried that a reduction in numbers will ... as the former Deputy Le Hérisser said on the radio when he was discussing this proposition by Deputy Lewis, he said: "The fear is of course and the perception is that all it will do with that constitution of the States is fortify the in-built majority of the Executive and I think that is a very dangerous position to be in." Who cares what the headline in *J.E.P.* is? Honestly, I do not care. Senator Routier says it will be: "States reforms fail." They could have run with that headline every day for the last 17 years. I think we go with Farnham 1 and put retention of the Senators in a referendum at the same time as the election to the electorate and then if they say: "No, we can get rid of them" then we build that in and we do it for the next election. I cannot presume to try to influence longstanding Members who have been here so many times before and I understand their fatigue and I am trying not to let their fatigue affect me. I can perhaps talk to the class of 2014. It is interesting that this morning - and we have not colluded - both the speeches of the Constable of St. John, who is with me in the class of 2014, and the Deputy of St. Mary chime exactly with where I am coming from too. To that class of 2014, I say this is our first reform debate. Do not be infected by fatigue of those around you. We are treading virgin snow. Let us make careful, considered tracks in it. There is a lot of pressure on us. There is a lot of covert bullying, in a way: "We have got to have this. Not doing anything is not an option." Not doing anything is an option; it is a perfectly valid option. Stick to your guns, do not be bullied. The responsibility of the failed referendum is not our obligation, class of 2014. It is not our responsibility to repair. I do not believe that it is anyone's responsibility to repair anymore, because a referendum is a snapshot in time and it is out of date within weeks, sometimes days. Run the same electoral reform referendum as we had 4 years ago today, tomorrow, you might have - and I think you would have - a very, very different result. Run the Brexit referendum even a week after the results: people voted in a certain way to give the Government, the establishment, a kicking and then fully realised what they had done. It is entirely plausible and possible you would get a completely different result. You might even get a different result if you run the Constables' referendum again, probably higher. The Electoral Commission, I respect Senator Bailhache enormously, and every time we talk about it we bring up its faults. He did his best and with best intentions, with others. I have to attack it, but I do not want to attack you personally, through the Chair, because I know that you were honest and true and trying to do the best for this Island. By the way, while I am on that subject, let us not fling around the accusations of self-interest in this House over these votes, because we are in the best position to be fully cognisant of the fact that there are 49 good men and women in this House working hard, doing their

best for this Island. Some are in the Executive; some are opposing the Executive, holding them to account, *et cetera*. But we know that we are doing our best and we are working hard, but I say that the Electoral Commission failed to deal with the Senators because they could not cope with the Senators' office alongside a general election. As we have talked about it, it is possibly the death knell for the Senators. Maybe we can find a way around that and that is what we should try to do, but the electoral reform gave up on the Senators. Let us be clear, the public has never rejected Senators. The question was never asked. It is outrageous to promote the triple option failed referendum as evidence of anything with such flawed choice.

[14:45]

You simply cannot grasp the public opinion scientifically from that, yet that is what people have been trying to do with the last days of this debate. The referendum, as I say, it is not for us, it is not our fault, that referendum, class of 2014. For the rest of this House, they have to let it go. It cannot be over our heads like the Sword of Damocles, it cannot haunt this Assembly forthwith, for ever more, like a Death Eater in Hogwarts. It is finished; it is over; it is gone. The referendum is dead. It is no more. It is an ex-referendum. By all means, vote with whoever you wanted to vote for on this, Senator Farnham or Deputy Lewis, but do not do it because you feel you have to because of the referendum results. In St. Helier, of course Option A was the preferred choice, even after second preferences were considered. I ask how on earth can we have ministerial government without the Island-wide mandate and without party politics? People say: "Oh well, David Cameron is elected in a constituency in the Cotswolds" but people are voting Conservative all around the country because they know that David Cameron is the leader of the party and if they want to put him in as Prime Minister, that is what they will do. We do not have that here and we have to consider that. Our senior Ministers will be elected in small constituencies. I am not sure that that is going to be satisfactory to the public. If submissions to the Electoral Commission were unanimous in saying there are too many Members, what do they know? What do they know? This is how the States Members Remuneration Review Body have fallen into this trap. Their idea of market research from their latest *Beyond 2018* consultation is not market research, it is an exercise, a dangerous, silly, failure of an exercise into listening to those people who are shouting the loudest. It is a stupid trap to fall into. It is like a supermarket asking customers if they would like to pay less money for their pint of milk without explaining to them the ramifications for the dairy industry or indeed competition within the supermarket world. It is like that question, and the S.M.R.R.B. (States Members Remuneration Review Body) are failing on this point too, asking everybody: "Are States Members paid too much?" Of course they are going to say yes, but what the biggest failure on their part on this point is they are not considering how we make standing for the States of Jersey and being a politician for years attractive to those people in this Island that we would like to see in here. I think I have to go with Farnham 1 for the reasons I have stated.

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

Deputy Lewis, in his opening speech, reminded us on a number of occasions that his proposition is our last chance to embrace option B, to right the wrongs of the last Assembly, and I would ask Members just to hold that thought in their minds, if I may. But what we are faced with now is the final chance, the final option to amend that proposition. It is my contention that this right now is the only moment for reform. Members, have they embraced the realisation that with this amendment we are right now all sat in the Last Chance Saloon, we are picking our sides for Custer's - or is it Farnham's - last stand, battenning down the hatches for the gunfight at the O.K. Corral, or is it appel at the O.K. Corral? Who is going to be *The Last of the Mohicans*, or is it the last of the Senators? I am not quite sure how or why I came to focus on famous Western titles, but who is going to come out as *The Good, the Bad or the Ugly*? Who is going to be *The Magnificent 7*? Of course, 7 will not be enough. I was at this point trying to incorporate *High Noon* but my

timing is not great. Anyway, we are faced now with P.133's final challenge. Unfortunately, that title does not quite have the same ring as those great old Westerns of the past, but I do not see challenges, I see opportunities. I say to Members, in all seriousness, now is the opportunity to work together, now is the opportunity to make something of this debate, the final chance to reach a consensus, to reach a compromise. "Compromise" is a word I have heard many times in the last 24 hours, especially from the benches behind me. I would appeal to Members, please let us try to find a compromise and right here, right now is that opportunity. I do not know about other Members, but when the results of an appel are read out, I try to draw a picture in my mind as the Greffier names the pours and the contres. I would ask Members to picture in their minds now the following list of names: Senator Routier, Senator Ozouf, Senator Maclean, Senator Gorst, Senator Bailhache; the Constable of St. Helier, St. Peter, St. Lawrence, the Constable of St. Mary, St. Ouen, St. Brelade, St. Martin, the Constable of St. Saviour and some Deputies; all of them now Ministers. The Minister for Infrastructure, the Minister for Social Security, the Minister for Home Affairs, the Minister for Education and myself. An interesting list. Do Members know what it represents? It is a list of the Members who are still currently in this Assembly who tried, really tried, to push through the results of the option B public vote. An interesting list. Almost a list of current Council of Ministers plus a few Constables. We heard yesterday some pretty damning words used in criticism of those Members who did not support option B when we, and I was one of them, tried in that failed attempt to implement and bring into being the public's wishes for electoral reform. I am certainly not going to name those who voted who against and are still here but I would say to them, and those who would still support Deputy Lewis, because it is, as we have heard, the last chance to push through the remnants of option B. This amendment, Deputy Farnham's amendment, not Deputy Lewis' proposition, is the last opportunity, in my opinion, to get something through. In the same way that we tried last time I fear that Deputy Lewis will go the same way. We owe it to ourselves to try harder than that, to do better than that and we owe it to the public to find a compromise. I would appeal to Members. I would urge Members. I do not like pleading but I would plead with Members to embrace this last chance, this last opportunity. To Deputy Mézec who is so committed to electoral reform, to Senator Bailhache who stood for public office on pretty much this one point, to the Constable of St. Mary who worked so closely with the Senator on the Electoral Commission, to my closest of confidants, the Constable of St. Brelade, who I stood shoulder to shoulder with fighting the cause for option B, to all those people I would say: "Let us just move a little. Please make a compromise. Please make the difference." In the same vein I would plead with those Constables and Deputies who cannot bring themselves to agree with super-constituencies, please consider how we can all move forward together on this. If, with everyone else, you give a little we can do it. Constables are here to stay. They should vote for this. Deputies like me should not be afraid to have to fight their seats, to prove they are good enough to represent their public. In the same way that we, all those names I mentioned, could not get option B over the line the last time I fear Deputy Lewis cannot get his unamended proposition over the line today. That is why I have changed my mind. That is why I am committed to finding a way, a way to have Constables, to have super-constituencies, to have Senators, to have less Members, to have more equality and more equity. A way to have a better and a fairer system than we currently have. You can have the fairest system you like and Deputy Lewis' proposition may be fairer but it is no use to anyone if you cannot get it over the line. Members, please, we can all be part of and we can all star in our own version of *How the West was Won*. We can, even at this late stage, snatch victory from the jaws of defeat. If we all move just a little and work together we can do this. We can achieve what the public entrusted us to do.

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

Does any other Member wish to speak on the amendments? If not I call on Senator Farnham.

**1.1.26 Senator L.J. Farnham:**

Can I thank everybody who has spoken? We have had some absolutely fantastic speeches. I think every contribution has been informative, has been valid and has been worthwhile. I particularly want to mention those Members who have taken the trouble to thoroughly research some of the findings. There is still a lot of important information that we need to make these decisions and I want Members to forget about opinions. They must cast those aside and base this on fact and if we do not have the fact what we need to do to get what we agree today endorsed by the electorate. It was Edmund Burke that said: "Your representative owes you not only their industry but their judgment; and they betray instead of serving you if they sacrifice it to opinion" and we must all bear that in mind today. We owe the Island reform. We must deliver some reform and to do that we have to compromise. Now, this Assembly is representative of our society, I have no doubt about that, and it is representative of our society partly because of the makeup, partly because of the different types of Member and partly because all of us here are committed to doing our job and serving the Island. Like us, the Island community are divided. Some want to keep Senators; some do not. Some want to keep Constables; some do not. Some want to reduce the number of Deputies; some do not. Some want to reduce the number of Members; some do not. Some have suggested to me we increase the number of Members. I do not think that our views are much different because those views, the views of the public, are represented by us today. So if we do not compromise we are going to be doing this Island a disservice. We must reform. Divided we might be in our views. United we must be in our will to reform and this is one of the last opportunities to do something credible with that in this term of office. I just want to talk about the numbers and there is not a lot I can add to some of the excellent speeches today and I refer to one of those, Deputy Labey. Of course, it has been said before, I will say it again quickly to remind Members, just how much this Island population has increased with the Parishes and the whole Island and I do not see any idle hands in this Assembly. I see some firefighting. Many of us have to firefight with 49 Members, yes, and a few smokescreens but we must not reduce the numbers just because we think some people want to reduce it or we must reduce it because that seems to be in vogue at the moment, fewer numbers, and Deputy Maçon's excellent speech, well researched, referred to that. Just pausing for applause for Deputy Maçon. **[Laughter]** **[Approbation]** When reviewing some of the previous Hansards and some of my notes Deputy Maçon has been fairly constant right the way through as have many Members.

[15:00]

So 48 is a good number. I would prefer 48 to 46 or 44 because with 44 when we take the 12 Connétables ... when we put the 12 Connétables to one side and that is no aside to the Constables. They know my respect and I hold them all in high esteem. They can do probably a better job than many of us and the Constables I work with as Assistant Ministers or just on a day-to-day basis are absolutely exemplary. But in reality how many of those Constables are going to be able to be full-time members of the Government. With the greatest of will I do not think any of them will. So when you ... although we will have a number of Assistant Ministers I hope ... some Constables do an excellent job of being Assistant Ministers and we must retain that but when you take that number off the 44 you are down to the low 30s and then, as Deputy Labey said, there will always be days where are Members are *défaut* or *défaut excusé* or ill or out of the Island on States business; there are always 3 or 4 away. Even today in this important debate there are Members who are quite legitimately away on States business or for family or personal reasons. Therefore, it is going to make it very difficult. What are we going to be left with for the Government of the Island and the ranks of Assistant Ministers and all the other panels and committees that are so important and work as hard, if not harder, than some departments in our Government? That is not a slight on anyone; that is being complimentary to all. I just also want to run back very briefly when we look at the changes and there have been significant changes since those much needed post war reforms of 1948. We have gone from 53 Members and if this is approved to 48 Members; no, it is

not a massive reduction but it is a reduction. We have gone from a 9-year term of Senators to 6 years to 4-year terms. We have put the term of office of Constable and that of Senator on equal terms and we are all going to be serving a 4-year term; so that is progress. We are going to have a single true election day. That is progress and reform. I would have preferred we would have agreed the composition of the Assembly before making that decision but we are where we are. That is progress and that is reform. The removal of the Senator, if that were to happen, will be the catalyst to the ultimate removal of the Constables and if we lose the Constables we lose the Parishes. The Parish system goes. I do not want to be part of an Island that is like another part of the U.K. with fairly bland constituencies. I relish our tradition. I relish our Parish system especially when the rates bills come in because I think they are very reasonable. I will promise to pay mine on time this year. That is what will happen. It has to happen because, as I explained yesterday, we are a unicameral system. We do not have town councils or city councils or borough councils or borough county councils or county councils. We are not going to have devolved Assemblies for the districts. We do not have an Upper House. It all happens here and that is the privilege that we have had for over 800 years and I think it is worth protecting. What I hope we are about to approve over the next day or 2 is reform and it will not be to everybody's liking but we cannot help that. We have got to rise above that and we have got to show our allegiance to the people of this Island. We have got to do some duty here today and we have got to deliver some more reform. This will be a big step towards reform and reform is never going to finish. It is an ongoing journey and the journey of reform will change over the years and decades ahead as society changes. We must keep some of what we know. We must keep some of what has given us prosperity and wealth and stability since the end of the Second World War and while doing that we must deliver reform. We must equalise. We must improve equity, the equity of voting. This amendment puts over 70 per cent of the Island's population within the recommendations of the Venice Commission. The current system has 80 per cent of people outside of that and that is one of the reasons why I redrew the constituency boundaries, as Senator Bailhache asked, because it puts so many people in a much better position when it comes to working within the Venice Commission. I know it might not be quite as good an equity as Deputy Lewis but we are talking about a few. It is a very small difference and it is far better than we have now. As many of us know, the enemy of a good plan is the dream of a perfect plan and this is a good plan. This is a good compromise. This is a fair plan and it is fairer than what we have got now. I ask Members please to take that into consideration. I made copious notes of every single speaker but I am not going to go through them now unless I am pressed to do so. What we are hopefully going to agree, whether it is with this amendment, another amendment or Deputy Lewis' proposition and there is no ... I commend Deputy Lewis and everybody over the years who have put their head above the parapet for reform and whoever deems to have won or lost today defeat is not the worst of failures. It is not having tried which is the worst of failures and this Assembly is doing its duty by trying. What we agree today it could be there is some flexibility there when the law comes back; Members must remember that. We also have an opportunity as well to make amends of the past of the failures of the last referendum because whatever we agree today we can take that to the electorate for their endorsement or not. Something that will not be 4 years old. The world has changed in 4 years. It has changed politically significantly in the last 4 years. A year ago I would have bet my house on Britain staying in Europe and Hillary Clinton being the next President and look what happened, and that is just in one year. So it is right and proper that we have another referendum to seek the endorsement of the people of whatever we decide today. It is absolutely right and proper. We cannot compare our referendum results with that of the U.K., 26 per cent turnout compared to 70 per cent to 80 per cent turnout. We cannot compare it. Arguably if you held the Brexit referendum today you might have a different outcome. We have to bear that in mind. So in finishing I want to say one thing. Let us give our community the opportunity to benefit from electoral reform. Let us give our community the opportunity to come together every 4 years and

elect Deputies, elect their Parish Constable and importantly to elect, as a whole Island community, 8 Senators to represent them equally and totally across the whole Island. I thank Members again for their wonderful contributions and I urge Members to really try and do this properly now. That is how we like to do things in this Assembly. Do what is right for the Island. I ask for the appel.

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

The appel has been called for. Just for the sake of clarity the referendum amendment is to come, that is the third amendment, so this amendment is the second amendment which does not deal with the referendum question. The appel has been called for. I ask the Greffier to open the voting.

<b>POUR: 28</b>		<b>CONTRE: 16</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator P.M. Bailhache		
Senator P.F.C. Ozouf		Connétable of St. Helier		
Senator A.J.H. Maclean		Connétable of St. Clement		
Senator I.J. Gorst		Connétable of St. Peter		
Senator L.J. Farnham		Connétable of St. Mary		
Senator A.K.F. Green		Connétable of St. Brelade		
Senator S.C. Ferguson		Deputy G.P. Southern (H)		
Connétable of St. Lawrence		Deputy K.C. Lewis (S)		
Connétable of St. Ouen		Deputy M. Tadier (B)		
Connétable of St. Martin		Deputy S.J. Pinel (C)		
Connétable of St. Saviour		Deputy R.G. Bryans (H)		
Connétable of Grouville		Deputy of St. Peter		
Connétable of St. John		Deputy S.Y. Mézec (H)		
Connétable of Trinity		Deputy A.D. Lewis (H)		
Deputy J.A. Martin (H)		Deputy of St. Ouen		
Deputy of Grouville		Deputy P.D. McLinton (S)		
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

**1.2 Composition and Election of the States Assembly (P.133/2016) - Leave to withdraw proposition**

**1.2.1 Deputy A.D. Lewis:**

I would like to give notice that I would like to withdraw my proposition on the basis that it is no longer what I presented to the House and it is no longer what the people of Jersey said they wanted in the referendum. It would be wrong of me to continue but I seek the guidance of the House.

**Senator P.F. Routier:**

Does the Deputy need to gain the approval of the House?

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

The withdrawal of the proposition is something which is a matter for the Assembly as a whole and it is a matter which can be debated and voted on. I think in a way it would be nice to carry on with the amendments but I think the reality is it would be more sensible to deal with the question of withdrawal at this stage because that will influence the rest of the afternoon. You have made the proposition, Deputy. Does anybody wish to speak on that proposition?

**Deputy M. Tadier:**

It needs to be seconded presumably. I leave that for someone else to do.

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

Well, seconded, of course, absolutely. Is it seconded? **[Seconded]** Do you wish to speak, Deputy Tadier?

**1.2.2 Deputy M. Tadier:**

I mean essentially let us cut to the chase here. We all know what this means. It means one of 2 things; either we let Deputy Lewis withdraw, which will not be done without a vote, and we will find out whether the full 28 who supported the amendment want the amendment that is being proposed, the full package. I suspect that there will be at least some in that who did it as a ... I am not going to say wrecking amendment, I am saying it is because they do not want any reform. They want the *status quo* and essentially the vote to allow Deputy Andrew Lewis to withdraw will mean either that we go for the package or not. That is essentially what it means. I am sure that does not mean we will not have any debate although it would be nice if we did not have to. That is simply my contribution and on that basis it would be helpful to go straight to the appel in order to allow Deputy Lewis to withdraw his proposition. Democratically speaking I think it is his proposition and I think we have a duty, whether or not we agree or irrespective of how we voted on the amendment, we should let him withdraw his proposition given the fact that it is no longer in the same format but of course not all Members are going to agree with that point of view.

**The Connétable of Grouville:**

Does this vote have to be an overall majority as well or is this a simple majority?

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

It is a simple majority.

**1.2.3 Senator L.J. Farnham:**

I really cannot believe what I have just heard. We have spent the best part of 2 days now fighting and debating a really good debate. I think we have had a number of really good debates and some of the best speeches I have heard for a long time in this Assembly. Deputy Lewis has sat there and allowed us to do this in, I think, cohorts with his partners in the Reform Party. To want to pull it now at this stage I think is disrespectful to all the Members that have put a lot of time into this **[Approbation]** who have spoken.

[15:15]

It is disrespectful to the electorate of the Island and I think Deputy Andrew Lewis should have the courage now to see this through to the end and accept what this Assembly decides. That is what democracy is about. That is what he signed up to when he was elected. I commended him for bringing this, as I still do, but I ask him to show us that he has the courage to see this through and accept the will of the Assembly which ultimately is the will of the people.

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



I apologise for not having been here just when the summing up was being carried out because I wanted to just do a little more research and I went to the library to go and get some *J.E.P.* cuttings back from 1947 and I saw ... in support of the non-acceptance of the ability for this Assembly to have the carpet pulled underneath it. I say 4 or 5 quotes from *J.E.P.* headlines from 1947. 1947, 15th April when the Senators were introduced: "Debate opens, discussion and constituents consulted. Opinions have changed." Fast forward to Clothier in 2001: "P. and R. (Policy and Resources) promises swift action." "Do not rush in making the decision" said the Bailiff. "Act now or we will be falling behind the rest of the world", 2001. Finally: "Polls show high dissatisfaction." That is 11th January 2001. "We will make a fool of ourselves if for the first time ever we have actually got something that looks like consensus in a principle decision. Let us go with that principle decision and let us go back to our constituents, to our Parishes and get this in principle decision talked about, discussed about, explained and improved and back in legislation so that we can head forward in the May 2018 elections with a democratic system that works. Yes, let us have this agreement in principle and let us all commit to go back and working and improving it, not casting it aside to another page of the pages of *temps passé* of the past that never got done. I urge Members, we have made a near step, the first ever since 1995, to do something which is democratic and proper. Let us commit ourselves to go back and improve it where there is imperfection and make a decision rather than once again let the public of the Island that put us here and let them down and cast it aside. I am outraged that after a debate which has got something that might work would be cast aside. Let us vote in favour of continuing. Put it to the vote and let us go to the people and explain it, justify it, improve it, come back and implement it because I believe that we have something of the bounds of possibility. It would be an outrage. I do not want to see the front page of any story anywhere in the world of a parliament that would do just as we are about to do.

#### **1.2.5 Deputy S.Y. Mézec:**

The hypocrisy from the previous 2 speakers is frankly unbelievable. We have to sit here and put up with lectures from people like Senator Farnham about respect, about listening to the will of the people and he has got a further amendment on a referendum when he himself ignored the previous referendums, when he has come up with a wrecking amendment, and that is what it was, right from the very beginning and he ignored that last referendum and frankly is now standing up and talking about respect. This is a back of the fag packet proposition that has no consultation with the public behind it. **[Interruption]** Indeed. Thank you. I am glad Senator Ozouf can muster one logical statement in this debate so far. This has no consultation behind it. The public have had no consultation with it and there has been no referendum. Deputy Lewis admirably stood up at the last election and said: "Vote for me and I will bring that referendum result back for a second States debate" and this States is now prevented from even having that debate. We cannot debate that referendum result because the proposition amended before us bears no resemblance whatsoever to that referendum. So the States now no longer gets the opportunity to put right what it got before. Instead we get a mishmash proposition which will make our electoral system more complicated. Deputy Lewis is absolutely right to ask to withdraw it. It does not represent what he promised his constituents he would try to do if he was elected and we will be sleepwalking into a crazy reform that frankly has no logic underpinning it and was a wrecking amendment from the start. So I urge Members to vote to allow him to withdraw this.

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

Well, I hear outrage from all sides of the Assembly over this and I would just like to say to Members, do not be so harsh on Deputy Lewis and I would also like to say to Deputy Lewis, do not do it, but let me explain why. I saw this coming when I spoke earlier and I said: "It is Members of this Assembly that are stopping reform. It is not the public. It is our inability to be confident that

we know what they want. It is our inability to push those buttons.” We have got to a stage now where this Assembly has, on a majority, picked an option. Now, that option, as has been said, has not been tried with the electorate. Research, I do not know about research. I do not think that can be denied because all the option does is look at the research that has already been done. I do not think there are any questions really that we can ask in reports and things that have not been touched on somewhere along the line. We have a huge body of research. The thing that is lacking is to putting it into a form that we think does what the public want; that we, in this Assembly, will accept. So I said it this morning, I think, or was it yesterday, it is all blurs now, that whatever we decide perhaps, yes, we should put it to a referendum. Now, we do have the opportunity to do that. We can get behind the next amendment if Deputy Andrew Lewis does not withdraw this. I say, do not be outraged and do not be harsh on Deputy Lewis because I know what it is like when you set out with something you think is the right thing because Deputy Lewis and I are not anywhere apart on this. I have supported all the way through to get to, hopefully, the debate on his proposition. We are not there. We are not there through democratic process. This is not what I wanted so I understand this is not what Deputy Lewis wanted. It is hard when you are presenting something and it is ... I will not say hijacked and I will not say it has been done by any underhand means at all. I will not say that because the majority of Members in this Assembly have just said they like what they have heard. It is really hard though when it is your proposition that has been mutated into something that you did not want it to be but that is democratic process. It is how it has worked and I think that really Deputy Lewis should think long and hard because what is going to happen, the public are going to have their say provided this Assembly embraces the next amendment on the altered proposition. Now, if the research is right, if the last referendum will stand then what is going to happen is, worst case scenario, going to be that this option is not accepted by the public but then this Assembly will know without any shadow of a doubt that all the attempts to fix what the last referendum result gave by amendments in this Assembly are not what the public wanted and then we have a crystal clear way forward. So I urge the Deputy not to throw away the progress that we have made today even though we may have gone slightly down a blind alley and need to come back. It is a process that we now have to go through. The public will get a chance to talk.

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

I am glad the Constable of St. Mary was called before me because my outrage and everything has calmed down but I am still fuming. **[Laughter]** I am calm. I am a calm ... I have gone to white. I am past red. I am white. Go back into the last Assembly P.P.C. brought loads of amendments. We were going to have a referendum on Senators and everything. We had that scuppered by one amendment by Deputy Green to have a referendum on the Constables. We have been here since Tuesday morning debating this and Deputy Lewis, if he really could only stand by his proposition as not amended, the minute the amendments started coming in it should have gone. It should have gone. Not now, and then to be accused by these behind me that I was going to vote the other way when it comes to the vote because I did not really mean it but listen to what ... listen to myself. They have had a talk to themselves and 3 years ago they should have accepted the ... 2 years they should because it was a little bit of movement and this is what we have got here. We have just got the biggest 28 consensus around ... and it is not maybe the right movement. It will tease out but I am getting laughing by Deputy Southern in my earhole. Does he really think that they are going to ... you are going to come out smelling of roses, we have got a consensus, we have still got the 3 types of States Member and we go to the vote. You are going to pull it now? Well, yes, you can do this and you will not see reform because I will tell you what I will do in the next reform debate you bring, I am going off on holiday and we do not ... I am so fed up. This is unbelievable. We had it mooted. We were never told by the proposer: “If I do not get the right thing it is going.” He should have pulled it the minute ... as I say, the minute they came in. I have now gone red again. I am

coming down but it is absolutely ... do you really think this is better than not passing a referendum? You are going to go through all this debate and it is not going ...

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

Through the Chair, Deputy.

**Deputy J.A. Martin:**

Sorry, sir. This is not passing the referendum. We have had hours and hours of debate. We have said we are going to sit to midnight and now we have nothing. We have nothing. It is up to the Deputy of course. We will vote on it but how ... we had this debate. Somebody mooted to me at lunchtime this might happen. I said: "Well, how do you make someone sum up on a proposition they do not want to have?" I really do not know. I urge, like the Constable of St. Mary, please do not. If people really do not want to support it then you will find out but I really voted for this in good faith, for not getting rid of the Senators, making some movement, keeping the Constables and the numbers are right. But it is in principle and we can go to the ... if we go for the other vote but we are in the hands, as I say, of Deputy Lewis and some other Members.

**1.2.8 Deputy T.A. Vallois of St. John:**

As people have probably noticed I have not spoken in the reform debate. I do not think I have spoken in any of the reform debates but all I have to say really is: welcome to politics. I find this absolutely ridiculous that we get to the point after debating ... I think some really good debates and I have listened to the majority of the speeches. To then be told that we are not listening to the will of the people. Well, the original proposition is not the will of the referendum. It is the will of the referendum plus Senator Ozouf's amendment from 4 years ago. I agree with Deputy Martin. We all try to do the best for the Island. We all are elected on different platforms from different people and different views and different worlds, okay? We come here and we have to be reasonable. We have to compromise and we have to listen to each other. I hear from Deputy Mézec: "Oh, I am going to vote for the main proposition because I have to compromise." Well, I voted for the amendment because I believe that is a compromise because I do not have the mandate from the Island to get rid of the Island-wide vote. I do not. There is no mandate because if you look at the Electoral Commission report that was produced, that was referred to before, it set out basically: "Do you want Constables, do you not want Constables or do you want the same thing?" That, to me, were not really options. I am not going to go back over the debate. I am going to make my point that this Assembly elected, no matter which way we were elected, whether as Senators or Constables or Deputies, by the people of this Island with all different backgrounds and views, have come to a decision on an amendment and we have to accept that decision otherwise change legislation and we will go to a Swiss model and we will just put everything to referendum, whether it is M.T.F.P.s (Medium Term Financial Plans), changes in legislation, whatever it may be. Because in this Assembly, as it currently stands, as we are currently elected, it is the democracy in which we live.

**1.2.9 Deputy G.P. Southern:**

This House, this Assembly, has voted to amend beyond recognition the particular proposal of the Deputy. Just think about it for a minute. The Deputy set out to simplify the system by reducing one of the 3 types of representative we have. He has ended up with a proposition which contains more complexity in the sense of we have added the super-constituencies and kept the Senators.

[15:30]

So we have got an expanded mandate for some representatives and we have maintained what was already there in any case. So how can this Assembly say to the Deputy: "You must carry on with this even though it is clearly not quite the opposite but it is far, miles away, from what he

intended"? How can we ask him to pursue this through? No, I do not think we can. I think this House has voted to amend the proposition beyond recognition therefore this House has to take things forward and not rely on the good Deputy to do it for it. Now, if that means that we consult, that we have a referendum, that we explain what we have decided but that is our job as this Assembly. Now, that might mean referring it to P.P.C. It might mean appointing a body to take through this reform with full consultation, with full information, with full acceptance from the public but that is our job not his job. Please, his heart, his entire intellect is not behind this amended proposition and to suggest to him that he cannot possibly withdraw it and must take it forward is absolutely ... I do not know what the word is. I do not know what the word is but certainly I can imagine how he must feel when he can barely recognise and the fact that what he intended to do has not been delivered. He has failed. Now, I think it is the very least we can do to allow that Deputy to, having failed, withdraw his proposition and should we wish to, if this is the clear indication of Members that the way in which they want to proceed, then we organise ourselves to proceed in that direction and we do it with full energy of the entire States and not reliance on one Deputy to take this forward. If there are consequences on our vote then surely it is up to us to see this through. This is the way forward we have decided that we wish to go. Well, let us get on with it ourselves and not rely on the good Deputy.

**1.2.10 Senator A.K.F. Green:**

Deputy Lewis, good friend, and I would say to him that he has fulfilled his election promise. He promised to bring a reform debate to this Assembly and he has achieved that and it has been a long debate. He has got closer than anyone else in the time I have certainly been in the Assembly to achieving some form of reform and I urge him to see it through. Maybe it is not quite what he wanted and maybe when we get to the final vote some people will vote against it and there will not be sufficient people there but I have to congratulate him. He has got more consensus than anybody else has ever got in this Assembly before so I urge him to allow it to go forward. Okay, it may be that it is not perfect. It may be that in 3 to 4 years' time it needs tweaking again but this is a further advance than we have ever seen and I congratulate him for that and I urge him to continue to see it through.

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

Deputy Lewis, you look as though as you have something significant to say.

**Deputy A.D. Lewis:**

Yes, maybe I could assist Members.

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

This is a point of order at this stage because unless you are ... because we are not winding up the debate.

**Deputy A.D. Lewis:**

I am perhaps going to, if I am permitted, to break from convention and consider withdrawing my withdrawal but I would like to explain why.

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

No. I think you wish to withdraw the withdrawal and if no one wishes to object to that we can proceed but otherwise we start to get into a debate on a withdrawal of a withdrawal.

**Deputy A.D. Lewis:**

Otherwise I am happy for people to continue to speak on this issue if Members wish to and I will sum up after my ... because I made the proposal to withdraw.

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

Well, let me see if ... do Members wish to permit Deputy Lewis, at this stage, to withdraw the withdrawal so that we carry on with the amendments? **[Interruption]** There is an objection to that so I think we will carry on with the main debate.

**Deputy A.D. Lewis:**

I would like to explain why.

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

No, because I think that will come at the end. We cannot get into a debate on something different in the middle of this current debate otherwise the Assembly will disappear.

**Deputy A.D. Lewis:**

Okay. Can I suggest that we continue the debate we are having on my proposition then and then ...

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

You can speak at the end.

**Deputy A.D. Lewis:**

I will speak, yes.

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

Yes. So Deputy Brée is the next speaker.

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

Point of order.

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

What is the point of order?

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

Point of order. If the proposition were to be withdrawn does that mean to say ... you said earlier you said that it was possible to have one debate on the withdrawal. Is this the debate about whether or not we withdraw or not and will you allow another proposition?

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

Yes. This is the debate on the withdrawal.

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

Okay. You will not allow another one if this is either withdrawn or defeated or accepted?

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

No. What I would not allow is a debate on whether to withdraw a proposition to withdraw the proposition because I think everyone will lose track of what is going on if we get into that sort of position. So we will continue the debate on whether to withdraw P.133. Deputy Brée is the next speaker.

**1.2.11 Deputy S.M. Brée of St. Clement:**

I am sure like many other Members of this Assembly I am extremely confused, somewhat shocked and somewhat frustrated and somewhat angry all at the same time which is very difficult. I do not know whether I am just the only Member of this Assembly who sees the irony in what Deputy

Andrew Lewis did by requesting to withdraw his proposition and it is irony in the extreme. The proposition is about voter equity and the rights of everybody to have the same vote and the same influence over the democratic process. Now, I would suggest that this Assembly is quite a good example of voter equity. One Member one vote and we all have the same standing and yet because it was not going his way Deputy Andrew Lewis proposed to withdraw his proposition on voter equity. Well, I would suggest that Deputy Andrew Lewis should understand what democracy means and this is democracy in action. If you believe in a democratic system you have to understand that not everybody is going to agree with everything you put forward and there was a debate and a democratic vote that an amendment was supported by a democratically elected Assembly with voter equity in it. I am very surprised at Deputy Andrew Lewis' behaviour because effectively it shows a complete lack of respect not only to this Assembly but to the electorate of this Island and that to me is the more important point. I am afraid while I have not yet spoken in this debate there is however a reason for that. While I have views on this matter I believe in a democratic process. I believe in open debate. I am willing to have my mind changed by valued, reasoned and honest debate and arguments. I would suggest that Deputy Lewis has shown that he is not like me in that matter and I find it really disrespectful to every Member of this Assembly that we have been prevented from debating what is such an important issue to this Island because an amendment did not agree with Deputy Andrew Lewis' view of the world. Well, that is democracy in action and I think that this Assembly needs to bear in mind what just happened and learn from it for future.

**Senator P.M. Bailhache:**

I was going to ask Deputy Lewis to withdraw but if he wants to do that I shall sit down.

**1.2.12 Deputy J.M. Maçon:**

Very briefly. I agree with the points that have already been made about allowing the Deputy to withdraw his proposition. I appreciate tempers are quite high. I made it quite clear that I supported the amendment for a backstop reason, for a safety reason. I think what we would proceed with is a dog's breakfast. I do not think we should force the Deputy to present something he does not have confidence in. That is not fair and therefore I would ask the Assembly to allow Deputy Lewis to withdraw his proposition.

**1.2.13 Senator I.J. Gorst:**

I am pleased to follow the last speaker because I take the opposite view. We started this parliamentary term or this electoral term asking P.P.C. to consult with States Members, officers from my department or now in the newly formed Constitutional and Community Affairs Department, work with your staff in the Greffe to consult States Members. States Members use modern technology to talk about possible solutions to what has been a problem for tens of years and we have heard about all of that during the course of the last 2 days. It was a disappointment to me that P.P.C. could not reach agreement to bring forward proposals. I am grateful that they lodged their comments but I am slightly surprised that some members of P.P.C. who could not reach agreement are now suggesting that the only way forward is either Deputy Lewis' unamended proposition, therefore he should be allowed, or nothing at all. I want to highlight the speech earlier in the day of the Connétable of St. Lawrence who said: "That if P.P.C. had reached agreement based on what States Members told them they thought was a compromise but acceptable solution to go forward", that was a solution that had the Constables, that had super-constituencies and that had Senators. So we work together across this Assembly to try and deliver compromise and try and deliver reform and change forward. The reason that Members did not vote for the super-constituencies that P.P.C. would have brought forward, which they had the opportunity to do yesterday with Senator Ozouf's amendment, I cannot answer for. But Members today have voted,

in supporting Senator Farnham, Senators, super-constituencies of a slightly different hue in the way they are formed here and Constables. There is no doubt in my mind that P.P.C., if the main proposition is now approved and I hope it will be ... I share some of the concerns of Deputy Tadier about why some Members, with the exception of Deputy Maçon because he was clear. He was absolutely clear he was only voting for Senator Farnham's amendment because he was concerned that we might deliver the change on the table and the most important thing to him was having increased numbers and he was clear. He would vote for that amendment but he would not be voting for the main proposition when it went through. But I hope that that is not the position that most Members who voted, most of those 28 who voted, are now going to take because that would be unfair to Deputy Lewis. That would be unfair to the work that P.P.C. have undertaken. That would be unfair to the public who want to see change. Some want to see radical change as the referendum proposed and like the Deputy of St. Martin I supported that at that point but it did not receive enough support when it was brought in its pure form nor did it receive enough support when it was amended to increase representation in St. Helier. I am absolutely sure that change, be it radical, be it incremental, has to be delivered. I, despite P.P.C. not being able to reach agreement to themselves bring forward change, I absolutely believe that there are enough people sitting round that table who want to see change even in its incremental form that they can make when they come forward to bringing the legislation they can make the super-constituencies work.

[15:45]

They can consult with the Constables. They can consult with the Deputies. They can make it work alongside Senators. That will be incremental change but it will be change. Some Members who are now concerned that they want all change off the table I ask them; yes, they have compromised already and I congratulate them. I salute them for that compromise but I ask Members to consider whether in order to start the reform process - other than this slow death to the Senatorial office, which has been agreed years ago - that they cannot compromise one more time. I say that to the mover of the main proposition because I think he wants to see change. This is a step to the change he wants to see. He gave a commitment to his electorate to see change. He has honoured that. He has brought it forward with the best of intention. He still has within his grasp, by keeping this proposition on the table and by strongly speaking in favour of it, he still has it within his grasp as amended to deliver some incremental change either today or ... well, hopefully today now ... today and continue persuading people about where he wants to get to, the journey he wants to take them on. I ask him to do that because I think that is the thing in his heart of hearts that he really believes in. I know and, of course I know, that when one loses a proposition in this Assembly it can feel personal. It can feel demotivating. It can make the mover of that proposition feel all sorts of emotions but as legislators we have to move beyond that. We have to rise above that and do what we think is best for our Island and I am absolutely convinced that today the best thing for our Island is to start on that change journey. The Deputy has it within his grasp to allow that to happen and I ask him to allow it to happen.

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

Does any other Member wish to speak on the proposition? If not I call Deputy Lewis.

**1.2.14 Deputy A.D. Lewis:**

This was not my proposition. This was the people's proposition. This was a proposition generated by a referendum. That is why I brought it. That is why I was asked to bring it. It was a promise that I kept. I have kept it. What is before us now with the amendments is not what I brought. It is so, so far away from it but, as the Chief Minister said, there are some benefits. There is some compromise. I felt that by recognising the Option A response and the option B response, i.e. Option A one in the urban areas and by putting that extra 2 in St. Helier was a compromise. That

was a big compromise for some people initially when I first mooted it. “We want to go further.” They want more compromise. The death knell is already there for having too many different types of titles in our Assembly for all the reasons that have been articulated in the debate today. I have listened carefully to what has been said in this brief debate at the end of the amendments and I commend Members for giving wonderful speeches on both sides of the arguments. I regret the voice right behind me, which I did find vaguely insulting, because my intentions are best intended. I would like to think most Members think they are honourable too. I kept my commitment but the words that I will take most notice of, and I have done throughout this 2 days, has been the Constable of St. Mary. She has been there. She has the battle scars and she spoke eloquently today and most recently on advice for me today on what I should do next. The Chief Minister’s wise words I take seriously as well. We can move forward albeit I know it is not quite parliamentary language but it is a “bugger’s muddle”, however ...

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

I am not sure that is, Deputy Lewis. Maybe think of a different expression.

**Deputy A.D. Lewis:**

However, it is a muddle.

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

That is better.

**Deputy A.D. Lewis:**

However, there is a big muddle going on somewhere else at the moment, much bigger country than us, and Barack Obama said this: “Change will not come if we wait for some other person or if we wait for some other time. We are the ones we have been waiting for. We are the change that we seek.” Does that sum up everybody’s feeling today? In which case I withdraw my withdrawal of my proposition if that makes any sense at all.

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

Well, I think there is an objection to that. I think some Members wish to vote on it so I think we will go to the vote on it. Do you wish to have the appel? If everyone sits down I will tell you what you are ...

**Deputy A.D. Lewis:**

Can I call for the appel on my proposition to withdraw? I can tell you what I am going to do right now. I will be voting against my own proposition.

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

So the proposition is to withdraw P.133, I think it is, the whole proposition on the Composition and Election of the States. The appel has been called for.

**Deputy M. Tadier:**

Can I just ask a point of order? If it is me who is the person who has objected against the withdrawal of the withdrawal I will not do that because I think it is a ... even though I do not agree I think that the mover should have the right to choose whether he withdraws or not so I will withdraw my objection unless there is somebody else who wants to object so we do not have to go to the vote.

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



I think we are in the hands of the Assembly here. Do Members wish to have a vote on this or just move on? I hear voices; yes, there is a vote. The appel has been called for and I ask the Greffier to open the voting.

<b>POUR: 8</b>		<b>CONTRE: 33</b>		<b>ABSTAIN: 2</b>
Connétable of St. Brelade		Senator P.F. Routier		Deputy G.P. Southern (H)
Connétable of Grouville		Senator P.F.C. Ozouf		Deputy M. Tadier (B)
Connétable of St. John		Senator A.J.H. Maclean		
Deputy K.C. Lewis (S)		Senator I.J. Gorst		
Deputy J.M. Maçon (S)		Senator L.J. Farnham		
Deputy of St. Martin		Senator P.M. Bailhache		
Deputy S.Y. Mézec (H)		Senator A.K.F. Green		
Deputy G.J. Truscott (B)		Connétable of St. Helier		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of Trinity		
		Deputy J.A. Martin (H)		
		Deputy of Grouville		
		Deputy of Trinity		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy M.R. Higgins (H)		
		Deputy S.J. Pinel (C)		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy A.D. Lewis (H)		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy S.M. Bree (C)		
		Deputy T.A. McDonald (S)		
		Deputy of St. Mary		
		Deputy P.D. McLinton (S)		

### **1.3 Composition and Election of the States Assembly (P.133/2016): third amendment (P.133/2016 Amd.(3))**

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

So we proceed with amendments. The final amendments. I feel a palpable enthusiasm in the Assembly. The third amendment lodged by Senator Farnham entitled Composition and Election of the States Assembly: third amendment. I ask the Greffier to read the proposition.

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

Page 2 – After paragraph (c) insert the following new paragraph – “(d) that the changes set out in paragraphs (a) to (c) above should only come into force once they have been approved by the Public in a yes/no referendum which should take place before the end of 2017”; and re-designate paragraph (d) as paragraph (e) accordingly. Page 2 – After paragraph (d) insert the following new

paragraph – “(e) that the necessary legislative changes should be made to allow for the results of public referenda to be binding”; and re-designate paragraph (e) [formerly paragraph (d)] as paragraph (f) accordingly.

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

I think we have an opportunity now to restore some credibility to this Assembly on the issue of reform. We have recognised our faults following the last referendum and I stick with my position that I have been consistent right through the reform process or the part of the reform process with which I have been involved and that is that we need the endorsement and the permission of the electorate to make constitutional changes to this Assembly. I do not intend, in my introductory speech to this amendment, to go through all of the detail of the last referendum. I think it is time now to look forward. Let us not look back now. Let us look forward. We have come to a consensus today. We found some middle ground that the majority of Members support that although it might not be perfect it brings significant improvements to what we have in my opinion. In line with my constant position and that of other Members and I think what is good and proper practice for this Assembly that if Deputy Lewis’ proposition, as amended, and I commend Deputy Lewis for his last speech, I know how difficult it is, I know how hard he has tried, but if his proposition, as amended, is approved by this Assembly, as I hope it will be, then we should do the honourable thing and seek the endorsement of the public. Now, I have put the amendment in 2 parts. The first part is a principle that we should get what we approve today endorsed by the public in a referendum by the end of 2017. I thought that was important because there was some pressure to have this referendum at the next election but that would have delayed any reform for another 4 years which I think was not wise given the mood of the electorate. So I am asking that the first part that we agreed to the principle of a yes/no referendum before the end of this year and that should not take too long to establish. We held the last referendum in April 2013, the year before the election. I would like to do the same with this one, we should have it a year before our election and try to do it, the sooner the better if that is possible. Now, I understand we do not have legislation in place that allows for binding referenda so part 2 is to ask the Assembly to provide for that. I think regardless of whether we have legislation to make the referendum binding or not and I know many Members have views about turnouts and referenda and whether we should have 50 per cent or 40 per cent and those are valid points and we could have those discussions when the legislation comes back for binding referendum. We can put the conditions together at that stage but regardless, I think, I hope that this Assembly will never ever make the mistake again of not following the will of the people no matter how flawed the question. Well, hopefully future referenda will be few and far between and will be based on a yes or no answer and based only on constitutional matters or matters of such importance. That is all I want to say. We have had 2 days of very good debate and I make the amendment.

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

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

### **Deputy A.D. Lewis:**

I wonder if we could have some legal advice on this, if I may. My understanding is that before an election if you are going to make changes to electoral law there is a period of time that you should make it by standard convention otherwise you are changing it far too close to an election. There is a convention, I understand, that suggests that there is a time limit to when you make those changes and when you have the election. Could I have some guidance as to what that guidance is and have we got time to have a referendum, which takes a considerable amount of work and money, before the next election if we are going to implement the decisions that may be made later on in this debate?

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

The general convention is that you do not make changes to your legislation in the 12 months leading up to an election which would give us until May in order to make the changes but I do not know if the Solicitor General is able to ...

**Mr. M.H. Temple Q.C., H.M. Solicitor General:**

I cannot add to that I am afraid.

**Deputy A.D. Lewis:**

So just to confirm, that in other words we have to have a referendum and have the enabling legislation changed by May, correct, and do we have time to do that?

**Senator L.J. Farnham:**

May I? That is one of the reasons I put it in in 2 parts because we could, if we approve part A we could still go ahead with a referendum on this issue.

[16:00]

Part 2 of my amendment is really the belt and braces to introduce legislation to make it binding. I firmly believe that this Assembly, following a referendum, whether the legislation was in place for it to be binding or not, I would hope the Assembly would listen to the view of the people.

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

Senator, I was just checking to see in the main proposition, part (d) expressly mentions that it goes to the May 2018 elections so we have not yet approved the main proposition in which that paragraph (d) is approved by the Assembly. Your amendment changes those paragraphs in order to add in the additional paragraphs about having the referendum but it could well be that when the Assembly comes to debate the main proposition, as amended, that that paragraph (d), which expressly mentions the May 2018 elections, perhaps may not necessarily be taken or voted upon. That is just one option that perhaps we could ... I do not know if the Solicitor General is able to add anything to that.

**The Solicitor General:**

Could you repeat that question please?

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

Well, just that the main proposition as amended, that we have yet to vote on, is where it expressly mentions the May 2018 elections for this to be arranged in advance of that, for this to be in place, so we could perhaps not take that paragraph of the ... it would be up to the Assembly obviously to vote on that if it was not seen as possible to bring it in in time.

**The Solicitor General:**

I am not aware of a ... I cannot assist on the time period. I can do some research and come back to the Assembly but I cannot assist now on the time period.

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

I think the Assembly would appreciate that in order to clear up this issue as to whether or not this can take place in the timescale that we have got available.

**Deputy A.D. Lewis:**

I am not quite sure that is as clear as mud to everybody if I may say. Is the Senator's intention here to have all of this in place, electoral law changed, and everything in place and a referendum held by

the 2018 elections? Because my understanding was that if I had not brought this proposition now, or P.P.C. had brought it now, there would be very little time, if enough at all, to get electoral law in place and now we are adding in a referendum as well. So I think it needs to be very clear to Members whether this is achievable with the 2018 elections or not.

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

As I said, it is only in your proposition as amended ... well, your original proposition that the date “in time for the May 2018 elections” is expressly mentioned. In the amendments it is not mentioned. Are you able to assist, Senator?

**1.3.2 Senator P.M. Bailhache:**

I hope that Senator Farnham might be persuaded to withdraw this amendment because I think it would be in the interests of the Assembly if he did. The points that have been raised by Deputy Lewis seem to me to be very germane. I think it is highly dubious that there is time to construct an appropriate question for the electorate, to engage in the discussions with the electorate, which must take place before a referendum can take place, and to hold that referendum and then to debate the legislation which we will need to bring into effect the proposition if it is adopted. I sympathise with Senator Farnham, as a matter of fact, that to put this bundle to the electorate before it is brought into force may very well be a sensible thing to do but I would have thought that the first stage would be to see whether the Assembly in fact is willing to adopt the amended proposition of Deputy Lewis. That is the first stage. The next stage, it seems to me, would be for the Privileges and Procedures Committee to look at the procedural aspects involved in bringing the law back to the Assembly and the P.P.C. could, I am sure, consider at that time whether or not a referendum would be feasible and would be able to inform the Assembly if that was the case. I think we get ourselves into an even bigger hole than we are in already if we resolve to have a referendum and then subsequently it transpires that it is not feasible to do that in time for the 2018 election. So I do hope that the Senator will withdraw. I sympathise with the motivation behind his amendment but I think it is, in the circumstances in which we now find ourselves, a misconceived amendment.

**1.3.3 Deputy J.A. Martin:**

Yes, and it is the second time in 2 days I rise to practically agree with Senator Bailhache. The difference being that I do not particularly urge the Senator to remove this but I cannot support it. For one, the part that asked to go out in 2017 has been well-rehearsed by P.P.C. and we have said any substantial referendum should go out and should be done on a general election so you know you are going to get a good turnout because people are going to come out to vote. The time, Deputy Andrew Lewis points out, completely right. His part (d) tells us we need all this in. We cannot be rushed. We are waiting for the new Referenda Commission that will look at who can spend what on which ... influencing campaigns and we are not there yet. So much intention, I absolutely agree that when we get to whatever we are going to change it should be asked but these 2 ... the amendment to the amendment to the proposition, they are not compatible and I, for one, am absolutely in fear to go out to the public and I do not want this binding at the moment if it ... we could have 15 per cent turnout so that you have got to have a threshold. Well, there is a lot of work. I absolutely understand where the Senator is coming from. He wants to get the view of the people but for my mind I do not think we need ... it does not work so we can either vote it out or the Senator can decide to withdraw this amendment because it will not work. So that is where I am coming from.

**1.3.4 Deputy A.D. Lewis:**

Firstly, if I could just say the proposition we were discussing earlier or the proposition, the substantive proposition, it is not mine; it is the people's. There is no boo-hoo here. Sorry, I lost. It is not me that ... I am disappointed but the people out there are. But I warned people that if we did

not go with whatever P.P.C. brought forward or in the failing of them to do so the proposition I or others brought forward and went straight then to the 2018 election without further ado you will not get it in place for 2018. I warned people of that throughout my little mini campaign of speaking to people so we are now where we are. The public have been consulted with extensively on one particular solution and the commission adjudicated on that and experts looked at it. Professor McLean went through the figures and I go could on but we have been there today. I am not going to cover old ground. The fact is that by adopting the amendments, as well meaning as people were, will delay any meaningful change for another 5 years in fact because are we really going to go to the public with something that we have consulted them on because Senator Farnham is absolutely right. Something as different as this should have a referendum but the downside is that you have got 5 years now without any reform. I would love to look at the dictionary definition but people have said it, it was a wrecking amendment. It has delayed it by 5 years. You cannot go to an election in this way, at this speed, without consulting with the public on something that is quite different to what they agreed to in 2013. As well intended as people have been today that is what you now have before you, which is what Senator Bailhache has alluded to as well and that is a huge disappointment to me. Yes, I am disappointed that we did not have the whole proposition that I presented, it is now amended. I am even more disappointed that you will have to wait 5 more years for substantive reform. That is the result of the amendment. That is the reality. We should not make this type of change without a referendum. Senator Farnham is absolutely right. You cannot do it in the timescale that you have. Huge disappointment but I think Members should reflect on that.

### **1.3.5 Deputy K.C. Lewis:**

Deputy Andrew Lewis has said a lot of what I was going to say. I know the Solicitor General is ... I think researching furiously to try to be of assistance but this is far too tight a timescale. There is no way in the world that we could go directly to this without consulting the people of Jersey. That would be unforgivable. We must give this adequate time to prepare, the law officers need time. Everybody needs time to put this in place. It is simply far too late a time.

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

I think I am beginning ...

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

Is this a point of order or a ...

## **1.4 Composition and Election of the States Assembly (P.133/2016) - Leave to withdraw third amendment**

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

I am beginning to feel the mood of the Assembly and, as Deputy Martin hit the nail on the head, my only intention was, given that we found some consensus today, was to make sure we could put that before the electorate. That is my only intention. I am not trying to delay anything or spoil anything. It is not a wrecker's proposition. It was just to say: "Look, we have made some progress today." If we can get Deputy Lewis' proposition over the line as amended then I just wanted to place it before the electorate to get their endorsement but if Members, in the interests of hopefully getting what is approved today across the line and so P.P.C. and everybody else can do their work. If it is helpful to withdraw it and perhaps we can consider how we get public endorsement for this when some work has been done.

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

Is that seconded, the withdrawal of the proposition, which I think has been requested? **[Seconded]**  
Does anybody wish to speak on the withdrawal of this amendment?

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

I would urge the Minister, Senator Farnham, to continue with this amendment. To change the constitution without consulting the people is not an option. If we have to wait an additional 4 years to get it right, to get the full approval of the people, so be it but I will not be supporting any amendments or any proposition that does not allow the decision of this Assembly to go forward to a referendum. Now, having read again, just now, through the proposition it is to ask P.P.C. to bring forward legislation. Yes, P.P.C. can introduce that it goes to a referendum at the same time as an election rather than a standalone referendum then so be it but somewhere we must consult before we agree.

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

Once again I find myself following the Connétable of St. John. Once again he has stolen my lines to a certain extent. I have to say I voted in favour of Senator Farnham's amendment in anticipation that it will go hand in hand with the referendum. I wish to know how the people wish me to vote and without the referendum I cannot. So, again, I endorse what the Connétable of St. John said that if it means waiting a few more years, and I regret that, then it is imperative that we do, at this stage, vote for what the people want and without a referendum I do not see how we can do that.

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

To try and provide some emolument to the Deputy of St. Mary and the Connétable of St. John, referendums are time consuming. We have been told that we have been talking about ourselves too much. There is going to be an enormous amount of effort made in trying to get a referendum sorted when other people have said all the time during this debate that they want us to be concentrating on the thing that matters to ordinary working Islanders, retired or kids at school or whatever. I think the only solution ... we have got a solution which, let us be clear, the solution that we are proposing is that Constables will stay. We have got a referendum banked on that. There is no change for Senators, so that is okay. We can go to a general election on that. What we would be doing effectively is going to a general election with a reorganised distribution of deputorial seats which needs some work. It needs some more work and refining and that is what parliaments do.

[16:15

They agree a brief in principle and they go and improve it. Do we need a referendum to go and do what we have known since 1995 that the Clothier report adjudicated on, that the Electoral Commission adjudicated on, *et cetera*? We know we have got to sort out the membership and the fairness and equality of 66 per cent of the membership of this Assembly, which is going to remain unchanged. So I understand that ultimately constitutional reform and big constitutional reform does need a referendum, the removal of a seat, a radical reorganisation, yes, but international best practice. I will send around tonight the conclusions of the 2 election observing missions that I served on. The Cayman Islands had exactly this in terms of some of their deputorial seats; one with 6 and one with one and we recommended there should be changes and the government then implemented it interestingly without a referendum. I want to avoid a situation where we have a situation in May 2018 which has 66 per cent of our elected Deputies, 66 per cent of them, which is an unfair and unequal basis. We have had a lot of debates on this already. I do not like the 27 per cent turnout for the referendum in 2013 but I think we have enough legitimacy, as the elected people of Jersey, to right the wrong that we have known that existed for over 21 years. We are not throwing out Senators now so we can just about justify not having a referendum. Should we have a referendum eventually on the proper structure? Yes, probably we should but how much of that time is going to be put aside and what are we not going to be able to do in restoring all the other

things that we jolly well need to do, restoring faith in our Government, restoring faith in our democracy and raising the standards of what the public think of this Assembly? So I think that there is a justifiable reason, given the timetables that we have got, to not have a referendum because we are not making a revolutionary change. We are redistributing those deputorial seats on a fair and equitable basis and I do not think we need another referendum for that. I think on that reason we should go ahead. I think we should allow the withdrawal. I think that is very magnanimous of Senator Farnham to do that. That sounds as though it has got the chime of the will of the people and I think we should make that decision to allow him to withdraw knowing that we have made some progress. That we have not thrown the baby out with the bath water. We have not done away with Senators. We have not done away with Constables. What we are doing is we are making our Deputies fair and equitable but that decision is not now. That decision is going back and talking to get it and then polishing it right. Let us go and polish and get that right, get that legislation in and then go to the people of Jersey in a general election next year which I hope will be a lot better and also in a period of time when we will all have done lots of work to raise the standards of what the people think of this place which I think after today of making a decision is going to be rather better than it was yesterday where we had made no decision for 21 years. So I go in favour of withdrawing the proposition but that does not mean to say that referendums do not have on ... big constitutional reform. We can have a referendum at the general election if we want about whether or not that is the system they want to continue with.

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

It is not just for my own sake as to the 4 Members who have put lights on. I just want to remind everyone that the debate is now on the withdrawal of amendment 3 not on the amendment itself.

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

Excuse me. I put my light on because I would like to ask for clarification on something that the Senator has just said.

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

By all means.

**The Connétable of St. Lawrence:**

Because I heard him say that this is in principle and I really just need to have clarification that he was referring to the proposition of Deputy Andrew Lewis, so the main substantive proposition. I would just like to be clear that it is in principle and that the words that the Senator said about going away and refining it and doing more work on it are correct because the way I have read this is that, if this is approved, the Island will be divided into large constituencies with 6, 6, 5, 5, 5 and 5 ... sorry, the Members there will be, according to the amendment that we have just approved of Senator Farnham, so I thought I had been following this. I thought I understood what was going on but I really need to have clarification now. Is this in principle or not?

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

I can answer the question. This is an in principle debate because the changes that you have referred to in terms of constituencies and so on are in the States of Jersey Law so at some point in a few weeks' time, if there is a decision today, there will be a proposition to amend the States of Jersey Law which will be based on what was agreed today. That will be brought forward by the Privileges and Procedures Committee. Like any other proposition it is subject to amendments and to agreement by the Assembly.

**Deputy M. Tadier:**

Just to clarify we are debating whether or not to have a referendum on the basis that Senator Farnham wishes to withdraw his amendment for a referendum, is that correct?

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

Well, I think it is purely ... I think it is simpler than that which is simply whether or not to withdraw the amendment.

**1.4.5 Deputy M. Tadier:**

Okay. So I will speak as to why we should withdraw this amendment, i.e. we should not be debating whether to have a referendum and in doing so I think it is my... I would like to direct some response to the comments made by Senator Ozouf in speaking to this part of the debate. When he talks about the need to redistribute Deputy seats, because they do not meet with the Venice Commission, it is sheer hypocrisy of the Senator to hold that position when he has been a long-time campaigner for the position of Constable to remain in this Assembly, even at a time before we had a referendum on the position of Constables remaining in here. Some of us have of course had to reconcile the fact that the public made what we think on this side was a wrong decision, but of course who are we to say what is objectively right and objectively wrong? But certainly in terms of the Venice Commission we know that the biggest disparity in terms of districts lies between the single Constable's constituency in St. Helier, which has a third of the Island with 34 per cent, but also roughly 34,000 to 35,000 people being represented by one sole Constable when we have the other 11 Parishes with about two-thirds of the population getting 11 Constables to St. Helier's one. That is the biggest affront to the Venice Commission and to democracy that exists, yet the Senator remains silent on that issue simply because he knows that when push comes to shove the Constables support the Government, the Constables support the Senators, and, as we have seen today, there has been another unholy alliance, as there was since the inception of Clothier of course when there were those big road-shows when even Senator Syvret teamed up with the Constables saying: "We must preserve the role of the Senator in this Assembly", and of course the Constables, looking anxiously at their 12 seats, knowing that they were not proportionate to the constituents that they represent, said: "Oh, yes, we must support this, we must kick out Clothier." So the idea that Senator Ozouf again, I am sure unintentionally misleading the Assembly, saying that he is a Clothier man completely cannot be trusted when it comes to the issue of States reform because he is not telling us the complete truth. He is not a Clothier man because Clothier said that it supported single type of States Member in Parish-based constituencies. The Constable of St. Clement will tell you that, he was here at the time and he is a Clothier man. But there has been a rewriting of history, which has overshadowed this debate. So, when we talk about a referendum, of course the referendum is not the right thing to do, what we definitely need instead of the referendum is a Boundary Commission. Nobody has ever suggested this. The Senator has certainly talked about a Boundary Commission in the 15 or 18 years that he has been here, he has never once proposed that, he has never once brought that proposition to the States and if I am wrong I will certainly give way and I will take that back, but I do not think he has brought a proposition asking for a Boundary Commission because that is what we need and we cannot present this to the public in its current form with the pre-existing inequalities that exist between the different districts and the Parishes, which are nonetheless districts in this new system and saying: "Do you accept that this is the way forward?" No, we need a proper Boundary Commission to come over, we probably need a Royal Commission, and it is difficult at this time of course when we are going through Brexit for us to have to turn to the U.K. and say once again: "I am sorry we cannot sort this out because again we know that we do not have proper referendum policies and legislation in place, or at least we do not have funding for referendums, we do not yet meet the Venice Commission's standards for what constitutes a fair and proper referendum, we do not have



funding mechanisms for the different campaign groups that exist with that.” So of course we should kick out this referendum.

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

Could I correct the Deputy, because he ...

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

You can ask him for a point of clarification.

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

Could he please clarify that is he not aware that I supported Clothier on 4th April 2001 and then, when that was not going to find favour, I then had to, like many other Members, compromise and what I have done every single time is try to find a solution, which is, when the facts change and I realise you cannot get something through, you have to try to get something, and get something is what I have done. Would he just clarify that is what many Members are trying to do? The danger of a good plan is a perfect plan.

**Deputy M. Tadier:**

I have finished my speech so I have nothing to add.

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

Thank you very much. Solicitor General, did you wish to intervene at this point?

**The Solicitor General:**

I have made some preliminary research on the question that I was asked. Before I do so, I would just like to remind Members that everyone has a right to seek legal advice from the Law Officers' Department and, just as a matter of practice, it would be helpful if law officers were notified as much as possible in advance of legal questions involving quite significant consequences for the Government of this Island, so it would be appreciated if we had a little more notice of these sorts of questions. But, in terms of the research that I have been able to conduct, and I am grateful to the Assistant Greffier for assisting with this, the Venice Convention does provide that, and it is only a convention, but it does provide that there should be a 12-month period before changing fundamental constitutional arrangements in advance of an election. I am not sure if the U.K. is a signatory to that convention on our behalf, I can check that further, but that is a convention, that is an international convention, which in principle we should observe. As regards whether there would need to be primary legislation concerning establishing a binding referendum, in principle and with the limited time that I have had to research, I think there would need to be primary legislation.

**1.4.6 The Connétable of St. Mary:**

I have to say that, listening to Senator Ozouf's speech, I do not really think he gets it. We have to put this question to the people before we make the change. The fact that the Senator says we are keeping the Senators and we have already agreed about the Constables, so it is only really the change from the Parish to the larger constituencies, and we have already effectively put that to the people in the last referendum, is not relevant, because that change was only promulgated because of the loss of the Senators, it is a completely different scenario. I think people would feel very differently about it, they were looking at losing their beloved Parish boundaries in order to take the greater good of a wider constituency for all Members. Now, I am sorry, but to my mind, and I have said this every time I have spoken, the referendum issue here is crucial and I believe 2 things here: firstly that it is not necessarily, as has been widely said, the right thing to do to lump it with the general election. I understand people are saying they will get a better turnout, but a better turnout would be achieved with better publicity, better engagement, and if we have not alerted the people

of the Island during this debate that we are in need of their approval, then there is something wrong. Because I believe the only way we will ever get this through is if we have a referendum, which we sign up to here, and then we are the same Assembly who will put the result to bed, because that way there is no confusion, there is no saying: “It was before my time” or: “I was not involved then” or: “It was not my decision”, it will be our decision as an Assembly what the referendum question is, it will be our decision to make it binding, it will be us that is bound by that decision. For me that really says there is no escape, what the people say here will be taken forward, and we never managed to do that before in the last referendum.

[16:30]

So I think that is one thing. Secondly, it is a very simple thing to me, but this change is crucial, it has to happen, a change has to happen. It is important to get the right change. It is important to get the change that the people want and that to me is more important than having it in place at the next election if we know that the legislation and everything else is done and dusted so that we are certain that the change is there; that it is on our statute books, that it is going to happen at the next time. Because, otherwise, we are just going to find ourselves back here again. But really, despite what Senator Ozouf has said, I think that this change is a significant one because we are asking to move for a totally different reason than the reason why we went to larger constituencies last time. The people have to understand that and I urge the Senator, do not withdraw the amendment because, as I see it, I just had a very quick look, it is hard when you do not have it all in a composite form, but all we would do is shuffle all the amendments, the paragraphs along, and I think what then becomes the paragraph (f) is the date, we simply do not move that paragraph about having it in place before the 2018 elections, just do not propose that and we will put the matter in the hands of P.P.C. and let them go ahead, go away, and make sure that it all works. Because it can work but we have to please let us put this to the people because they do not have any faith in us, let us be honest, and we have to have faith in them. Thank you.

#### **1.4.7 The Connétable of St. Clement:**

Just briefly and I agree partially with what my fellow colleague Constable was saying. Where I disagree with Senator Ozouf is this is a substantial change if the proposition is adopted because we are removing Parish Deputies and creating mini Senators, and therefore I think it is very arguable, legitimately arguable, that we should put it to a referendum. I would welcome a referendum personally because I do not think that this proposition as amended has a snowball’s chance in a very hot place of being adopted by the public. If we do have it in 2017, we know we will have a very low turnout, so when we come to the legislation everybody will say: “Only 15 per cent of people voted, only 7.5 per cent voted in favour, therefore I am not going to support it.” Can it be binding? Possibly, I do not know, I would have to take advice from the law officers, but certainly the only way it could be binding I think is if we deal with the legislation first to change the Election Law, the constituencies, and then have it triggered by a referendum result, which would have to have some sort of threshold. What that threshold will be will be a matter of great debate in this Assembly no doubt. Thank you.

#### **1.4.8 Deputy K.C. Lewis:**

A lot of confusion today, I was quite surprised, but if we go by the Senator Farnham scheme with the lovely maps here, St. Brelade, St. Peter and St. Ouen will be one constituency; St. Lawrence, St. Mary, St. John and Trinity will be another; St. Saviour, and St. Martin will be another; and St. Clement and Grouville. When I arrived here today looking at my papers again I thought, if things go with the proposition, St. Saviour will be joined with Trinity. Now it looks like St. Saviour may go to St. Martin, depending on which system we use, but with all the Parishes concerned I find it unbelievable that anything like this could go ahead without consulting the people of Jersey. That is

simply not an option. This is constitutional change and must be approved by the Islanders. Thank you.

**1.4.9 Deputy R.J. Renouf of St. Ouen:**

I would really like to seek a point of clarification before I speak, if I choose to speak on any substance, because I would like to see such a major reform going out to public consultation and referendum for the reasons expressed by the Constable of St. Mary, so I do not wish to vote for the withdrawal of Senator Farnham's amendment. So I wish that amendment to remain and would vote in favour of it. But, at the same time, the main proposition, paragraph (d), requests that all of this be brought into place in time for the May 2018 elections. Now, some half an hour ago I think we seemed to arrive at a consensus that none of that was possible; it was not possible to hold the referendum, to bring all the legislative changes in, for May 2018. So, if I was to vote on Senator Farnham's amendment in the way I wish to, then it seems to me that I am voting on a proposition which is incapable of implementation, is it not? How can I do that, how can I go on to request P.P.C. to have all this in place for 2018 when we have heard that convention practice says we must not do that and the practicalities of it all, just it is impractical? Therefore, this seems to me we have got ourselves into a position where this proposition, as amended, and as might be amended by Senator Farnham's amendment on the referendum, which I wish to support, is incapable of being implemented, and I would like to seek your guidance.

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

I think that if Members are of the view that they would like to support the referendum proposition and they would wish to support the main proposition as amended, and they think that it is not doable within the timescale, which I understand, then they probably ought to ask for a separate vote on the final paragraph, which will be (f) by that stage, and not agree to it, in which case P.P.C. would still be charged with this work, because it is something agreed by the Assembly that needs to be brought forward, but it would not be done in time for 2018.

**Deputy A.D. Lewis:**

Sir, are you confirming then the 2 are not mutually compatible?

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

No, I am saying that if Members formed those various views. It is a matter for debate; I did not hear Senator Farnham's speech so I do not know whether he wishes to push for all of this to happen in time for 2018. That is a matter for debate and Members can judge for themselves whether they think it is practical and sensible to do that. I am saying that, if Members hold the various sets of views, which I think are the views of the Deputy of St. Ouen, the answer to the conundrum is not to support the final paragraph of the main proposition when it comes forward.

**Senator L.J. Farnham:**

Can I ask the Solicitor General just for what I hope is straightforward advice? This is why I brought this proposition in 2 parts, because the first part is achievable because it requires no legislative changes, it just requires P.P.C. to get on with the work, and then we can put the referendum to the public in the normal way, in the current way. Part 2 then asks for legislation, which will be primary legislation for binding referendums. So, if we did not have that, if Members vote against that, that seems to me to be the problem; that seems to me to be the paragraph that is putting all this under pressure. So I just want to ask for confirmation, so if Members were to vote with 1 and against 2, then technically the P.P.C. could do their work and we could still have a referendum in time, but it would not be legally binding. I am sure the Assembly would not ignore the will of the people again.

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

The Solicitor General to come back on that point if he has anything to say.

**The Solicitor General:**

As I understood the question, it was that part 2 of Senator Farnham's third amendment could not be pursued on the basis that was creating the principal obstacle. I am not sure that is a complete answer because, as I understand the combined effect of Senator Farnham's second amendment that has just been approved, taken with Deputy Lewis' original proposition, there will be changes to, for want of a better word, the electoral boundaries, so the groupings of Parishes or boundaries that will form the subject matter of the new arrangements. So, the Venice Convention speaks in terms of changes to electoral boundaries should not be made within 12 months of an election, so I am not sure that just not pursuing the second part of Deputy Farnham's third amendment is a complete answer to the potential obstacle raised by the Venice Convention.

**The Connétable of St. Clement:**

The only way to do it would be to make the legislative changes before we have the referendum and that really would not be very satisfactory.

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

Shall we return to the Deputy of St. Ouen?

**The Deputy of St. Ouen:**

I feel we are trying to grope our way through a fog. When we do that, we are in great danger of tripping over. These are matters of great moments, constitutional moments and great importance to the Island. Therefore I can see there are many other minds trying to feel their way through here but we and they need time I think to work out how this might proceed and perhaps we might be better informed if we were to adjourn this debate, and I would like to make that proposition that we adjourn until the next sitting of the States. In the meanwhile, I hope that the Solicitor General, the chairman of P.P.C., Senator Farnham, and anyone interested, can try to work out some sort of timetable to guide this Assembly as to how matters might proceed from this point. Otherwise I think we are going to bog ourselves into the mire, to use another analogy. I would propose that adjournment and I hope it might be seconded.

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

Sir, may I raise a genuine point of order?

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

If you must.

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

It is just designed to get guidance from the Chair. Could you confirm and rule whether or not a withdrawal means a proposal is withdrawn and therefore it can come back for a debate because it can be effectively re-launched? If we vote on it and then it cannot come back within 3 months, is that my understanding and could you rule that, if the proposal is withdrawn, then effectively the Deputy of St. Ouen may have his wish and therefore sounding can be taken, the P.P.C. can do some work, and then we can make the decision on the referendum later. Could you rule that is possible?

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

The amendment, which was being discussed, is an amendment to the proposition. If it is withdrawn the Assembly has not made a decision on it one way or the other. If somebody then wants to bring the meat of the amendment back as a stand-alone proposition at some future date, of course that is

up to them. Senator, we have a proposal here to adjourn the debate until 14th February. Is this a point of order? Because the Deputy talks about the fog that we are walking into and I fear that we are walking a bit further into it if we have a proposition on the table relating to another proposition, which relates to another proposition, and we have further points being made. So, are these genuine things that need to be resolved at this moment?

**Senator A.K.F. Green:**

I think the point I want to make relates to the Deputy of St. Ouen's point and that is we are spending a lot of time discussing whether to have a referendum or not but we do not know yet if we have anything to have a referendum about. It seems to me that we should allow the Senator to withdraw the referendum proposition; that we should not adjourn, we should not adjourn ...

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

Sorry, Senator, that is a contribution to the debate that we are possibly about to have on whether or not to adjourn.

**Senator A.K.F. Green:**

I was leading up to we should not adjourn ...

### **1.5 Composition and Election of the States Assembly (P.133/2016) - Proposal to adjourn debate to 14th February**

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

That is a contribution to the debate; that is an opinion about whether or not to adjourn. Now, the Deputy has proposed to adjourn. Does anyone second that proposition? **[Seconded]** Does anybody wish to speak on the proposition? Senator Ozouf.

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

I absolutely respect the fog that the Deputy of St. Ouen is trying to make our way out of and may I respectfully suggest that in suggesting that I will not vote in favour of his proposition, the better way is for us to basically deal with the substantive proposition and therefore, because private Members can lodge propositions with a much shorter period of time, then, after having taken the certain knowledge of having made a decision about something hopefully, that then we can have another decision about what we do with the referendum and that does not have to be rushed overnight. I would respectfully suggest that I am going to vote against, and recommend other Members vote against, just adjourning it until the 14th; otherwise we will not make a decision at all.

[16:45]

The better solution is surely to withdraw, allow Senator Farnham to withdraw, go back to the substantive proposition and then come back with the referendum once we have made that. That is hopefully a constructive default answer and I hope that is helpful to the Deputy in the spirit of what he is trying to say, because I think he has enormous valid points to make, but he does not want to wash it and that is a better way, I am giving him a bit more less rushing time.

**1.5.2 Senator L.J. Farnham:**

I can concur with that and I understand where the Deputy of St. Ouen is coming from, but we have had some solid days of debate, we have a bit of momentum going, we stand the first real chance of making some real progress with our reform. I suggest we continue. I do not think it would be appropriate to leave a proposition amended and not complete in limbo on such an important issue for 2 weeks. I think it is right that we get the endorsement of the public for whatever we try to do, but I also think it is a good idea that we proceed with this and I hope the Assembly will agree to

stand by the decision it made on this amendment and pass the proposition as amended. Then P.P.C. can start their work and then we can come back to the amendment issue at the appropriate time and I urge Members to follow that course of action. Thank you.

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

I feel like I have fallen asleep and that, on awakening, I have found that the madmen have taken over the asylum. How did we get here? Perhaps I might remind you what I said earlier that we as a body have made a decision and we have to live with the consequences and this means sorting out this mess, because it is a mess. We are told now that, if we go for a referendum, which we should, must, then (a) if we attempt to make a binding referendum, which this is unprecedented in I think most places, but certainly here, under the U.K. binding referenda, intrinsically complicated and complex, and that is a whole length of research and decision making on that, then we cannot possibly get to do what the original proposition said, which was to bring something in time to be brought in for a May 2018 election, which I thought I set out 2 days ago to do. I am told now that is difficult to do. Then I look at the proposition itself and I look at these numbers, 6, 6, 4, 4, 4, 4, 4, and look at those districts, and think: “Yes, well that is 5 current sitting Deputies going for 4 places in 1, 2, oh, 6 going for 4 places, what are we going to make of that by the time we get down to discuss the nitty-gritty of what the proposition says?” The fact is that this proposition is not worth taking to the public at the moment, it needs so much work on it and so much research on it that we are just not going to get there.

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

Sorry to interrupt, Deputy, but we are in a world of motions within motions and propositions within propositions, this proposition is about whether to adjourn until Tuesday the 14th.

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

I thank the Chair for bearing with me. That is why, in order to sort a decision out of some sort of rationality, I have seen this happen before, seen people sit late in the night on the third and fourth day, make decisions, which were quite frankly awful decisions that in the cold light of day they would not have made. So I think the call for an adjournment is absolutely valid before we make some more mess, because that is the danger. So I would support that proposition.

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

I will keep to the Deputy of St. Ouen’s, and I thank Deputy Southern for bringing it back there at the end. My problem, and I absolutely agree, I have listened, I thought we were debating a motion to let Senator Farnham withdraw, then there was questions to the Solicitor General, and remember, and I did have a go at Deputy Lewis earlier about withdrawing straight after a vote, but this is Deputy Lewis’ proposition. In Deputy Lewis’ (d) he says it has to be done for 18th May and I absolutely fully respect you have said that we could ask him to take it separately, but from my memory it is his proposition and if he wants to take (d) as it stands he has every right and we cannot just say: “It is best if we do not take (d)” because it is not ours to decide and we do not know yet what Deputy Lewis wants to do and I think we all need to have a little bit of a breather. Some people absolutely did vote that way because they thought it was going to go to a referendum and now we are told ... and we knew the timetable was tight but then, hand on heart, I had not read Senator Farnham’s properly with (d) and I knew then obviously we cannot put these, we cannot do it before May, we need to know everything is going to be in place by May because it has to be 12 months before. We do know that on P.P.C., we did lots of research. So I think I absolutely support this. I do not know where I am so I think my brain needs a bit of a rest and to absolutely find out what we can do, what we cannot do, whether Deputy Lewis would be prepared to pull (d), because that is the only way this could go forward, and again it is his proposition. Thank you.

### **1.5.5 Deputy K.L. Moore of St. Peter:**

I really would hope that the Assembly would allow Senator Farnham to withdraw his proposition and let us move to voting today on P.133 because we have achieved so much so far this week that we should all be proud of ourselves to have found a compromise on this important and long-standing issue of reform. I accept that perhaps there are questions to be answered regarding the referendum and I think in allowing us to continue this evening to the vote on P.133 we will at least know that we can achieve that consensus for once and for all, which is an important moment that I would really be quite keen to see occur this evening. So I would ask Members to vote against the Deputy of St. Ouen's proposition for adjournment and ask Senator Farnham to withdraw his amendment so that we can perhaps seek further information in that respect.

### **1.5.6 Deputy M. Tadier:**

There is more than one ground for an adjournment, which I think both are valid; the first is of course because this question about the referendum has come up and whether it can be done in sufficient time to meet the best practice of what the Venice Commission would suggest. But hopefully we would want to meet that anyway, whether or not we are legally obliged to do that, it is good practice. The other reason is that I think that we all represent different constituencies, not just physical ones, but in terms of the population, and I do not expect people to have particular sympathy for our situation as a party, but certainly the way parties tend to work, people will know, is that generally on the big issues you have some form of caucus where you consult your membership, not just the parliamentary membership, but the wider membership. This has very much been, this latest proposition, as it currently stands, has very much been thrust upon us. People could argue that you should have been prepared for all possibilities, but quite frankly we have known about the possibility of an option B super-constituency type proposal for many years now. We have not known about the very real possibility now of what is being proposed at a relatively late stage. It would be improper of us to try to take a position, although I am sure we can tactically, but I am sure also, similarly, fevers are running somewhat high, some of us are disappointed, some of us are pleased perhaps about what has happened, and we know that. So, I think for the proper course of democracy that is something that we would like to do. I would suggest that it might also, a hiatus of 2 weeks or what is left of 2 weeks now until the next sitting, would be an opportunity for all of us to go back to constituents and we know that we have been told how important the Parish system is in this election, so would it not be great to have some Parish Assemblies within the next week or 2 to find out whether people like this or not. But the point, I will carry on, others can speak if they want when I am finished, the bottom line here I guess is that we still do not know today whether the substantive amended proposition has the 25 votes it needs. I strongly suspect it does not on the basis that, as I said before, some of the 28 who voted for the amendment want to remain with the *status quo*, do not want to get rid of Parish-based Deputies, a sufficient number of those I think will not support this proposition. So again we are, as Senator Green suggested, in an academic position of deciding whether or not we have a referendum on something that we do not want to do as an Assembly. The logical position is that we decide as an Assembly what we do want to do and then say: "We want to do this" and somebody senior like the Chief Minister or the chairman of P.P.C., once that decision has been made, would say: "This decision has been made by the States Assembly, I think we should put this decision to a referendum now that it has been made", and then, subject to the "yes" coming out in that referendum and what other conditions we want to impose on that, such as a threshold, we say, once the public has either endorsed that or vetoed it, then we go ahead or do not go ahead. That is the proper way to do things. That is the sensible way to do things. So, with that in mind, what I would suggest in terms of this particular proposal for an adjournment is that we do let Senator Farnham withdraw his suggestion, withdraw the referendum, we then have an adjournment to the next sitting, knowing, and then we come back with fresh heads on when we are all here in 2 weeks' time, because it is a

scheduled sitting and we should all be here, and then we vote on what is before us having had time to consider the merits of what is in front of us. I think that is hopefully the sensible way forward, to reject this particular proposal for an adjournment now, get to the withdrawal of the referendum, and then consider whether we adjourn or simply dispatch with this one way or the other this evening.

#### **1.5.7 Deputy A.D. Lewis:**

I just thought it might be helpful, somebody has mentioned this, several people I think, on page 3 of my proposition, (d) does clearly say: "By the 2018 elections changes should be made ready for implementation." It would seem to me, the way the discussion is going at the moment, that seems virtually impossible. When we had the last debate, when the previous chairman of P.P.C., the Constable of St. Helier, also attempted to withdraw the proposition that was before us for similar reasons to myself and it was voted against and he carried on and then got a vote against that proposition. But the expectation then was that it was going to be in place for the 2014 elections. We did not do that. Now we are saying it is probably not possible by the 2018 elections unless you do not consult with the public on a major change that has been made to the substantive proposition, which was the referendum result, which was the debate that I referred to that Constable Crowcroft brought to this Assembly as P.P.C. chairman. So, it would be very difficult for me to say that (d) can go because that is why I brought it now, when my opening words: "Why now?" it was because of the next election. Constable Crowcroft said exactly the same thing when he brought it in 2014. So, it does put us in a real conundrum and maybe Members do need to think about this very, very hard as I tried desperately to get people to understand this over the past several weeks, and I am not surprised we are now in this predicament. Maybe Members do need to reflect on that and come back to the Assembly with fresh eyes, understanding fully what the implications are of accepting these amendments and accepting the latest amendment here on a referendum and also progressing further to passing what was my proposition, albeit the people's proposition, heavily now amended. That is a really tall order for Members to do tonight with some clarity after the confusion of the last half an hour or so. I think that is a dangerous step to take, as much as I would like to get this over the line tonight. I think Members need to reflect very carefully on that because it is not as straightforward as some may choose to say. Thank you.

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

I take a slightly different view to Deputy Lewis. I think the important thing here is to maintain the momentum that we have had during the day and get the substantive proposition voted on. I came here today fully expecting to have a decision, which took us to a referendum. I understand the difficulty we now face. But surely at this particular point in time we do not have a substantial proposition voted on to know where we are going and I want to get to that point today so we can move ahead. So I am against where I was first thing this morning, I would go with Senator Farnham withdrawing and I will go against stopping, because I think an adjournment today is just the worst possible thing we could do.

[17:00]

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

Does any other Member wish to speak? If not, does the Deputy of St. Ouen wish to conclude?

#### **1.5.9 The Deputy of St. Ouen:**

I am not sure I can add much because I remain largely in that fog, but I know that I would have liked to have voted for this proposition unamended, it has been amended, I will certainly consider voting for an amended proposition, which produces some change, but because it is so different to anything that we have asked the public about before, in my opinion, and we have gone out to 2 referendums in recent years on constitutional change, and I do not wish to vote on a proposal



without a referendum accompanying it that is so different. But I cannot see how a referendum can be worked into any sort of proposition that I could vote for. Then perhaps I am not expressing myself well, because I am in a state of some confusion as to how all this might work because this is my first reform debate and I am one of the class of 2014 and I am a newbie, others will have been here. So I would like some time to reflect and gain from the knowledge of others, but ultimately it is up to the House, but for the time being I would like to maintain my proposition. Thank you.

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

The appel has been called for. Just to be clear, the proposition is that this debate be adjourned until Tuesday, 14th February. All Members take their seats. I ask the Greffier to open the voting.

<b>POUR: 14</b>		<b>CONTRE: 28</b>		<b>ABSTAIN: 0</b>
Connétable of St. Peter		Senator P.F. Routier		
Connétable of St. Mary		Senator P.F.C. Ozouf		
Connétable of St. Ouen		Senator I.J. Gorst		
Connétable of St. Brelade		Senator L.J. Farnham		
Connétable of St. Saviour		Senator P.M. Bailhache		
Connétable of Grouville		Senator A.K.F. Green		
Connétable of Trinity		Connétable of St. Helier		
Deputy J.A. Martin (H)		Connétable of St. Clement		
Deputy G.P. Southern (H)		Connétable of St. Lawrence		
Deputy K.C. Lewis (S)		Connétable of St. Martin		
Deputy J.M. Maçon (S)		Connétable of St. John		
Deputy A.D. Lewis (H)		Deputy of Grouville		
Deputy of St. Ouen		Deputy of Trinity		
Deputy of St. Mary		Deputy M. Tadier (B)		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy M.R. Higgins (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy S.Y. Mézec (H)		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy S.M. Bree (C)		
		Deputy T.A. McDonald (S)		
		Deputy G.J. Truscott (B)		
		Deputy P.D. McLinton (S)		

**Senator L.J. Farnham:**

Can we have the appel on my ...

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

No, because we have not finished the debate, Senator Farnham. **[Laughter]**

**Senator L.J. Farnham:**

Well spotted, Sir, I was just ...

**1.6 Composition and Election of the States Assembly (P.133/2016) - Leave to withdraw third amendment - resumption**

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

We return for the debate on the proposition to withdraw amendment 3. Does any other Member wish to speak? The Constable of St. Helier.

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

Members may like to consider, as far as referendums go, that the Parishes do have the ability to call Parish Assemblies on important issues and the Constables have in the past been very willing to do that. It does seem to me that, if it is logistically impossible to have a referendum, and we all know how wrong referendums can get, that it would be possible for each Parish to put the proposals to their Parish Assemblies, which would not stop the legislation being drawn up, subject to what we go on to approve this evening. That would seem to me to give a fairly useful guide to what the public think, given that quite a lot of these matters have already been put to the public in referendums anyway. That is my only comment and I would support Senator Farnham therefore withdrawing his amendment to force a referendum, which is going to delay reform by another 4 years.

#### **1.6.2 Deputy S.M. Brée:**

The question of whether or not the Senator could not withdraw this amendment is concerning me because I think a lot of Members of this Assembly looked upon the amendments as a suite of amendments and our basis of our voting could well have been on the fact that, because the second amendment changed the substantive proposition, then a lot of us were feeling, well, we then have the opportunity to discuss should we have a referendum. I think it is important that debate takes place because it was, certainly in my mind, looked upon as a suite of amendments that I had formulated my thought process on. To suddenly withdraw an amendment, which deals with a very important issue, i.e. should there be a referendum, I feel to be wrong. Thank you.

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

Just checking if you have spoken, Deputy Lewis, I think not. Deputy Andrew Lewis.

#### **1.6.3 Deputy A.D. Lewis:**

There was a degree of consternation when I attempted to withdraw my proposition. I feel a similar debate occurring again. The Deputy behind me is quite right, I think Members did take this as a suite of amendments, not a suite that I particularly liked, it was bittersweet to me, but it was sweeter to others, and they did expect it to be a suite of amendments. To have this go forward without consulting with the public, unless the Senator has a better idea than a referendum, I would like to hear it, because the referendum last time teased out what people wanted. The Senator now wants a referendum about a referendum, so that is his wish, it is in his amendment; I think he should continue with the debate on it and we should put it to the vote. Thank you.

#### **1.6.4 Senator P.F. Routier:**

I think we have had a fantastic offer from the Connétable of St. Helier of organising Parish Assemblies to get the view of our Island community, so I would hope that all Parishes would engage with that and we can find the public's view from that method and I support the Senator withdrawing his amendment.

#### **1.6.5 Deputy J.M. Maçon:**

I am very mindful of the fact that we had huge discussions about voter turnout and now there seems to be a gleam of a solution coming through Parish Assemblies. But, if the whole point was there was not enough legitimate turnout in the referendum, I do not think Members should think for a moment that this is going to be a solution. I also am going to go one step further and say, as with

the Constables' referendum, it should be tied in with the general election, that has always been my stance. But what Senator Farnham is asking for, unfortunately, wants that all done beforehand and you would get into the same issues about a low turnout and therefore a lack of mandate. So, this provides me with a problem of, while understanding the intent of Senator Farnham, and unless we have an undertaking by P.P.C. that if this proposition is adopted by the States and we do not adopt part (d) of Andrew Lewis then P.P.C. is more than willing to make those arrangements for the next election, and I realise that is a lot of caveats, then I think we have to allow Senator Farnham to withdraw his proposition because we have heard the timings do not work in the way that has been proposed. We do not have other solutions on the table at this time, and therefore, while understanding the sentiments about how Members feel about this, unfortunately the way forward is not practical and therefore I will be supporting Senator Farnham's wish for a withdrawal for those reasons.

#### **1.6.6 The Deputy of Grouville:**

I feel incredibly uncomfortable with this because I voted on it on the understanding that the question would be put to the public, do they want the Island-wide mandate, yes or no, do they want super-constituencies, yes or no. All I can say now about the legislation not being available in the time for the next election, I am quite surprised this proposition was allowed to go through, I do not understand how we could be put in this position. I do not know if anyone can throw any light on that. Thank you.

#### **1.6.7 Connétable M.P.S. Le Troquer of St. Martin:**

If it just helps the Assembly today, from the Parish websites, the functions of the Parish Assembly are the election of officers, the care of the roads, the promotion of local improvements, that is new roads, drains, removal of nuisances, *et cetera*, the levying of rates in accordance with the Rates (Jersey) Law 2005 and consideration of licensing applications under the Licensing (Jersey) Law 1974. That is the function of a Parish Assembly.

#### **Senator P.F. Routier:**

Would that not come under the removal of nuisances? [Laughter]

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

Does any other Member wish to speak on the withdrawal? You have already spoken, Deputy Lewis. Anybody else wish to speak? Deputy Higgins.

#### **1.6.8 Deputy M.R. Higgins:**

Again, we are just adding to the confusion of things. If Senator Farnham withdraws his amendment, I might be willing to vote for that, but I would also like to know beforehand whether Deputy Lewis would be prepared to withdraw part (d) of his proposition.

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

Does any other Member wish to speak on the withdrawal? Then I ask Senator Farnham to conclude this debate.

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

I do apologise to Members and I agree with the Deputy of Grouville, I should have picked up on this, but I am not sure why my amendment was approved given what we have just learned, but anyway we will not dwell on that. It is not really my wish; I still think we need to seek public endorsement for major changes in policy, but there is a way to do this without spoiling the good work that has been done today. I firmly believe we have to push on and agree Deputy Andrew Lewis' proposition as amended. Perhaps, as has been suggested to me by a Deputy from one of the

country Parishes, the Deputy of St. John, I am sure she will not mind me mentioning, and I agree that perhaps we should progress now and the question for the next referendum at the next election in 2018 is one for Senators. We have had one on Constables; we have not had one on Senators, that might be an option. But I am determined that we push on with the progress we have made today. I am quite determined that it is in place for 2018 as well. So, if Members can, and I turn to the Constable of St. John and other Members who want the endorsement of the public, let us proceed today, let us get P.P.C. to do the work they need to as quickly as possible and let us see at that time in a matter of weeks hopefully, 6 or 8 or however many weeks it takes, we have to push on with this. We have to pull out all of the stops, we might be able to have a referendum, it might not be 12 months, it might be 10 months or 9 months before, and it might be after the legislative changes have been made, I do not know, but there has to be a way forward here. But I am in the hands of the Assembly. I think I will probably abstain for this first time on this vote whether I withdraw and let the Assembly decide. I did not say I was definitely, I was thinking about it, but from withdrawing my amendment I am in the hands of the Assembly and the only reason I suggested it was when the pressure on the dates came out and I started to judge the mood of the Assembly. I ask for the appel please.

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

The appel has been called for. This is on the withdrawal of amendment 3. I ask the Greffier to open the voting.

<b>POUR: 32</b>		<b>CONTRE: 11</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier		Connétable of St. Peter		Senator L.J. Farnham
Senator P.F.C. Ozouf		Connétable of St. Lawrence		
Senator A.J.H. Maclean		Connétable of St. Mary		
Senator I.J. Gorst		Connétable of St. Ouen		
Senator P.M. Bailhache		Connétable of Grouville		
Senator A.K.F. Green		Connétable of St. John		
Senator S.C. Ferguson		Connétable of Trinity		
Connétable of St. Helier		Deputy A.D. Lewis (H)		
Connétable of St. Clement		Deputy of St. Ouen		
Connétable of St. Brelade		Deputy S.M. Bree (C)		
Connétable of St. Martin		Deputy of St. Mary		
Connétable of St. Saviour				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy T.A. McDonald (S)				

Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

## 1.7 Composition and Election of the States Assembly (P.133/2016) - Second proposal to adjourn debate to 14th February

### 1.7.1 Deputy M. Tadier:

May I raise a point with the Chair, I did say I wanted the adjournment, just not then, so can I make another proposition, I know it will probably lose, but for the adjournment now until the next sitting?

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

Yes, Deputy Tadier. Is that seconded? **[Seconded]** Does anybody wish to speak on the proposition to adjourn until 14th February? Nobody does? Deputy of St. Peter.

[17:15]

### 1.7.2 The Deputy of St. Peter:

I would dispute that; I think we should continue with this debate. **[Approbation]** I think we have achieved so much and I really fear that, if States Members go home this evening without moving to the next vote, I really fear that they are putting a decision in jeopardy once again until goodness knows when. I have observed this Assembly for 17 years and I have been a part of it since 2011. I want nothing more than to reform the States Assembly and I really think that the public deserves nothing more and I think we should stay until we achieve something.

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

Does any other Member wish to speak on the proposal to adjourn? Deputy Tadier, do you wish to...

### 1.7.3 Deputy M. Tadier:

I can fully see both sides of this argument and I have sympathy with the Deputy of St. Peter. Like her, I have been disappointed with the lack of progress, but, as I have said earlier, it is important for us as a party to be able to consult with our caucus and with our party members on the way forward of this new proposal and that is why I am asking for this. So I maintain the proposition.

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

The appel has been called for. Members are invited to return to their seats. The question is that the Assembly adjourn this debate until 14th February and I ask the Greffier to open the voting.

<b>POUR: 8</b>		<b>CONTRE: 34</b>		<b>ABSTAIN: 1</b>
Deputy J.A. Martin (H)		Senator P.F. Routier		Connétable of St. Brelade
Deputy G.P. Southern (H)		Senator P.F.C. Ozouf		
Deputy K.C. Lewis (S)		Senator A.J.H. Maclean		
Deputy M. Tadier (B)		Senator I.J. Gorst		
Deputy J.M. Maçon (S)		Senator L.J. Farnham		
Deputy S.Y. Mézec (H)		Senator P.M. Bailhache		
Deputy A.D. Lewis (H)		Senator A.K.F. Green		
Deputy of St. Mary		Senator S.C. Ferguson		
		Connétable of St. Helier		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Connétable of St. Ouen		

		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of Grouville		
		Connétable of St. John		
		Connétable of Trinity		
		Deputy of Grouville		
		Deputy of Trinity		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy M.R. Higgins (H)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy S.M. Bree (C)		
		Deputy T.A. McDonald (S)		
		Deputy G.J. Truscott (B)		
		Deputy P.D. McLinton (S)		

## **1.8 Composition and Election of the States Assembly (P.133/2016) - as amended**

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

We now return to the main debate on the proposition of Deputy Andrew Lewis as amended. Does anybody wish to speak on the proposition? In that case I call on Deputy Andrew Lewis.

### **Deputy A.D. Lewis:**

Where do I start? Shall we just go straight to the vote?

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

You do not need to speak, Deputy Lewis, if you do not wish to.

#### **1.8.1 Deputy A.D. Lewis:**

No, it is all right, it is a moment that should not be missed, but I will not speak for too long. I would first like to thank Members for all their contributions; I think by and large it has been a good-natured debate, but a debate that has to be had. I am particularly grateful for P.P.C. for the amount of work that they have done over the last few years and the Greffier as well for their assistance in putting this proposition together. **[Approbation]** I would also like to thank past members of the commission as well whose work was significant, however those described it today, it was significant, and I would like to thank the public for their consultation, their engagement with that process, and I am only sorry that the outcome of it is not quite what they had expected. But I do accept that this is progress. It is not the sort of progress that I would have liked; it is not what the public said they wanted, so we have not observed it completely. However, it is a step forward; I am not going to cry in my soup for not getting my proposition forward exactly as it was intended. It was amended though to take into account the feelings of the district that I now am in as a Deputy and the urban areas as well of St. Saviour and others. So there was a compromise there and it has been compromised further, and my experience of compromise is you compromise too, too much, you do not have the full jigsaw puzzle. So I think there is a lot of work to be done on this yet. We have enabling legislation that will come forward. This is an in-principle proposition. There is opportunity then for Members to speak again and it will be a bit Groundhog Day I think, but if we

do move forward as a result of this, as the Deputy of St. Peter has suggested, that can only be a good thing and I do accept that. There is a quote that I discovered yesterday because of what has been going on in Canada just recently, they have been having a big debate about proportional representation and unfortunately they had a terrorist attack very recently too and Justin Trudeau said: “We need to make sure that we have the best possible electoral system, one that values voices, one that creates good government, one that makes sure that people can be and feel involved in the political process.” So I felt people did feel that they were involved in the political process during the consultation process that was had in 2013. They were not fully listened to but we have listened a bit today and Members should be commended for that. But tomorrow, and maybe Members can guess who said this: “A politician needs to have the ability to foretell what is going to happen tomorrow, next week, next month and next year, and to have the ability afterwards to explain why it didn't happen” Winston Churchill. I take no credit for what is before you today, this is the culmination of years of work of our predecessors, the Clothier panel, the Electoral Commission, P.P.C., as I mentioned, and the long-suffering Greffiers, and not least the people who elect us. Members are always very considered in their decisions, however today I hope that in the few minutes that I have left, and I had hoped to say to persuade Members to go for my proposition, those Members now I think have made their decision. But, like the Constable of St. Martin, he listened to all the debate and he made his decision, he listened to all the debate. The days of inequality in our electoral system I believe are coming to an end. It began with the vote to have a general election, which continued with the removal of the 4 Senators, and now we have what is before us today, an amended proposition of P.133. We did consult the public on a referendum, I believe they should be further consulted before we put this through, whatever that looks like. It is different to what they said they wanted. We are very different to what we were in 1948, there were 57,000 people here then, we have a very different technology at our feet that we can use, which does not mean we have to have a big Assembly, as others have said today. But I know that you are committed Members of Parliament, that you are committed and you are dedicated and energised to serve our Islanders well, democratically, fairly, with a listening ear, acting at all times in the best interests of sustainable fit-for-purpose democracy. That is what today's debate has been about and I think we have made some progress. It is an opportunity today to show the people of our Island that we have listened, not to everything they have said, we have acted and that we trusted them. I am not quite sure we have trusted them enough but we have trusted them. Finally, in the last major debate, the Chief Minister said: “Let us not deceive ourselves that there is some mystical magical miracle reform Option Available to us.” We have an option before us, we can go with that, what is before us today, improving our democracy and respecting our history, or we can do nothing. The choice is in the hands of the Assembly. Make history today, move forward, regain some respect from the people that put us here, be brave, be positive, vote for change, the change the Island has been waiting for, for far too long. Sir, I commend the proposition and I ask for the appel. Thank you. **[Approbation]**

**The Connétable of St. Mary:**

May I ask, if possible I would like to take item (d) separately, but, unusually, would it be possible to take that first because that will have a huge outcome on how I can vote?

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

I do not think (d) can be taken first because then the Assembly would be asked to agree to request P.P.C. to do something, which you might then not agree to, so it leaves the final proposition as a complete nonsense. Would you still wish to have (d) voted on separately, Constable?

**The Connétable of St. Mary:**

Sorry, Sir. Yes, Sir.

**Deputy A.D. Lewis:**

I am happy to take it separately, Sir, but I think I have made my position clear earlier, but I am happy to take all the items separately if people wish.

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

There is no request to take all the items separately. I think there could be a vote on paragraphs (a) to (c) combined. The appel has been called for on paragraphs (a) to (c). Members are present, I ask the Greffier to open the voting.

<b>POUR: 30</b>		<b>CONTRE: 13</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier		Senator S.C. Ferguson		Connétable of St. Mary
Senator P.F.C. Ozouf		Connétable of St. Clement		
Senator A.J.H. Maclean		Connétable of St. Peter		
Senator I.J. Gorst		Connétable of St. Saviour		
Senator L.J. Farnham		Connétable of Grouville		
Senator P.M. Bailhache		Connétable of St. John		
Senator A.K.F. Green		Connétable of Trinity		
Connétable of St. Helier		Deputy G.P. Southern (H)		
Connétable of St. Lawrence		Deputy K.C. Lewis (S)		
Connétable of St. Ouen		Deputy M. Tadier (B)		
Connétable of St. Brelade		Deputy J.M. Maçon (S)		
Connétable of St. Martin		Deputy S.Y. Mézec (H)		
Deputy J.A. Martin (H)		Deputy S.M. Bree (C)		
Deputy of Grouville				
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

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

Do you wish to have the appel on paragraph (d)? Yes. The appel has been called for on paragraph (d). I ask the Greffier to open the voting.

<b>POUR: 27</b>		<b>CONTRE: 16</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier		Senator P.M. Bailhache		Senator S.C. Ferguson
Senator P.F.C. Ozouf		Connétable of St. Peter		
Senator A.J.H. Maclean		Connétable of St. Mary		
Senator I.J. Gorst		Connétable of Grouville		
Senator L.J. Farnham		Connétable of St. John		
Senator A.K.F. Green		Connétable of Trinity		



Connétable of St. Helier		Deputy J.A. Martin (H)		
Connétable of St. Clement		Deputy G.P. Southern (H)		
Connétable of St. Lawrence		Deputy K.C. Lewis (S)		
Connétable of St. Ouen		Deputy M. Tadier (B)		
Connétable of St. Brelade		Deputy M.R. Higgins (H)		
Connétable of St. Martin		Deputy J.M. Maçon (S)		
Connétable of St. Saviour		Deputy S.Y. Mézec (H)		
Deputy of Grouville		Deputy of St. Ouen		
Deputy of Trinity		Deputy S.M. Wickenden (H)		
Deputy E.J. Noel (L)		Deputy S.M. Bree (C)		
Deputy of St. John				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy R. Labey (H)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

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

So we now move on to the last item of business.

**Senator I.J. Gorst:**

Sir, could I propose that it is deferred until the next States sitting please? Thank you.

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

Is the Assembly in favour? I detect a will. In that case, if we can move on, Constable of St. Clement, to the arrangement of public business for 14th February?

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**2. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):**

Before I do that, Sir, I think the Minister for External Relations has a request to make of the Assembly regarding a proposition he has lodged in the last couple of days.

**2.1 Senator P.M. Bailhache:**

I lodged, a couple of days ago, a report and a proposition, relating to Brexit and it is down for debate at present on 14th March. There are possibly circumstances, which might arise, which might lead me to request the Assembly to deal with it at the next sitting. In the meantime, however, I would like to tell Members that I shall be issuing an invitation to attend an informal briefing on the constitutional aspects of the proposition next week and I would like to take the opportunity of discussing with Members at that time as to whether it is thought appropriate to seek the Assembly's approval to bring it forward to the next meeting or to leave it until 14th March. But I thought I should alert Members to the fact that this request might be made at the next meeting.

**2.2 The Connétable of St. Clement:**

The proposal for future business is as per the Consolidated Order Paper with the addition of Projets 4, 5 and 7. That is the one just spoken about by the Minister for External Relations, the Draft Referendum (Jersey) Law in the name of the Privileges and Procedures Committee, and the Draft Income Support (Amendment) Law in the name of the Minister for Social Security will be on 14th March and the Projet 6, the Minister for Education: vote of censure, in the name of Deputy Southern, would be on 14th February and by convention would be the first item. If the States agreed to that, I would suggest the 14th February sitting would be for 2 days.

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

If I may, could I request that my proposition P.122/2016, Funding for Family Nursing and Home Care Services - petition, is postponed until 14th March. I hope that some further resolution will occur there, but it is proving an obstinate target.

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

If there are no other contributions, the States stands adjourned until Tuesday, 14th February.

### **ADJOURNMENT**

[17:29]