

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 17th JANUARY 2008

<b>PUBLIC BUSINESS – resumption .....</b>	<b>4</b>
<b>1. Draft Connétables (Jersey) Law 200- (P.184/2007).....</b>	<b>4</b>
Deputy F.J. Hill of St. Martin: .....	4
Connétable D.F. Gray of St. Clement:.....	4
The Deputy of St. Martin .....	4
Deputy I.J. Gorst of St. Clement: .....	4
Senator W. Kinnard: .....	4
The Deputy Bailiff:.....	5
Connétable T.J. Du Feu of St. Peter: .....	5
The Deputy Bailiff:.....	5
1.1 The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):.....	5
1.1.1 Deputy P.V.F. Le Claire of St. Helier: .....	5
1.1.2 Connétable K.P. Vibert of St. Ouen: .....	7
1.1.3 Deputy C.J. Scott Warren of St. Saviour: .....	7
The Deputy Bailiff:.....	8
1.1.4 Deputy J.A.N. Le Fondré of St. Lawrence: .....	8
1.1.5 Deputy G.P. Southern of St. Helier: .....	8
1.1.6 Connétable S.A. Yates of St. Martin: .....	9
1.1.7 Senator M.E. Vibert:.....	9
1.1.8 Deputy D.W. Mezbourian of St. Lawrence: .....	10
1.1.9 Deputy P.N. Troy of St. Brelade: .....	10
1.1.10 Deputy P.J.D. Ryan of St. Helier: .....	10
1.1.11 Connétable A.S. Crowcroft of St. Helier: .....	11
1.1.12 Deputy G.W.J. de Faye of St. Helier: .....	11
1.1.13 The Connétable of St. Clement: .....	12
The Deputy Bailiff:.....	12
Deputy P.J.D. Ryan (Chairman of the Corporate Services Scrutiny Panel):.....	13
1.2 The Connétable of St. Clement: .....	14
1.3 Deputy I.J. Gorst: .....	14
1.3.1 The Connétable of St. Peter: .....	14
1.3.2 The Connétable of St. Ouen:.....	15
1.3.3 Deputy C.J. Scott Warren: .....	15
1.3.4 Deputy J.B. Fox of St. Helier:.....	16
1.3.5 Deputy R.C. Duhamel of St. Saviour: .....	16
1.3.6 Deputy C.H. Egré of St. Peter:.....	17
1.3.7 Senator T.A. Le Sueur: .....	17
1.3.8 Deputy S.C. Ferguson of St. Brelade: .....	17
1.3.9 Deputy J.A. Martin of St. Helier: .....	17
1.3.10 Deputy P.J.D. Ryan:.....	19
1.3.11 Deputy G.W.J. de Faye: .....	19

1.3.12	Senator P.F.C. Ozouf:	21
1.3.13	Connétable K.A. Le Brun of St. Mary:	22
1.3.14	Deputy P.V.F. Le Claire:	25
1.3.15	Deputy S. Power of St. Brelade:	27
1.3.16	Connétable P.F.M. Hanning of St. Saviour:	27
1.3.17	Deputy J.J. Huet:	28
1.3.18	Deputy G.C.L. Baudains of St. Clement:	28
1.3.19	Deputy J. Gallichan of St. Mary:	29
	Senator J.L. Perchard:	30
1.3.20	The Deputy of St. Martin:	30
1.3.21	Senator M.E. Vibert:	30
1.3.22	Deputy A.D. Lewis of St. John:	32
1.3.23	Deputy J.A.N. Le Fondré:	32
1.3.24	Deputy A.J.H. Maclean of St. Helier:	33
1.3.25	Deputy P.N. Troy:	33
1.3.26	Deputy I.J. Gorst:	34
	The Deputy Bailiff:	35
1.4	Deputy I.J. Gorst:	36
	The Deputy Bailiff:	36
1.5	The Connétable of St. Clement:	38
	The Deputy Bailiff:	38
1.6	The Connétable of St. Clement:	38
	The Deputy Bailiff:	38
1.7	The Connétable of St. Clement:	38
	The Deputy Bailiff:	39
1.8	The Connétable of St. Clement:	39
1.9	Deputy I.J. Gorst:	39
	The Deputy Bailiff:	39
1.10	The Connétable of St. Clement:	39
	The Deputy Bailiff:	39
<b>2.</b>	<b>Draft Employment Relations (Registration) (Jersey) Regulations 200- (P.186/2007) .40</b>	
2.1	Deputy P.N. Troy (Assistant Minister for Social Security - rapporteur):	40
	The Deputy Bailiff:	40
	Deputy A. Breckon of St. Saviour (Chairman of the Health, Social Security and Housing Scrutiny Panel)	40
2.1.1	Deputy G.W.J. de Faye:	41
	The Deputy Bailiff:	41
<b>3.</b>	<b>Jersey Police Complaints Authority: appointment of members (P.196/2007) .....41</b>	
3.1	Senator W. Kinnard (The Minister for Home Affairs):	41
3.1.1	The Deputy of St. Martin:	42
3.1.2	The Connétable of St. Ouen:	42
3.1.3	Senator W. Kinnard:	43
	The Deputy Bailiff:	43
	<b>ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS .....44</b>	
4.	The Connétable of St. Clement:	44
4.1	Deputy P.J.D. Ryan:	44
4.1.1	Senator F.H. Walker:	45
4.1.2	Deputy S.C. Ferguson:	45
4.2	Deputy P.N. Troy:	45

4.2.1 Deputy G.P. Southern:.....46  
4.3 Senator Perchard: .....46  
4.3.1 Senator Le Sueur: .....46  
The Deputy Bailiff:.....46

**ADJOURNMENT.....46**

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

**PUBLIC BUSINESS – resumption**

**1. Draft Connétables (Jersey) Law 200- (P.184/2007)**

**The Deputy Bailiff:**

The next matter for the Assembly is the Draft Connétables (Jersey) Law - Projet 184 - and I will ask the Greffier to read the citation.

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

Before we begin this morning, I would seek clarification as to the outcome of the vote yesterday because I believe that on 26th September the States approved the proposition requesting that the P.P.C. (Privileges and Procedures Committee) go away and prepare legislation to bring forward to ensure that Deputies were to serve 4 years. I am a little bit confused and I was talking to other Members as well, other Members are confused. Will the P.P.C. be coming back to the House, complying with the instructions of this House as on 26th September, or did it mean that yesterday's vote, because the House agreed not to go ahead with reducing the term of 4 years for Senators, that the 4-year ruling for Deputies has been lost?

**The Deputy Bailiff:**

I think that is a matter of the Chairman of the Privileges and Procedures Committee. The legal effect is clear. The Assembly a few months ago voted in principle to extend the office of Deputy to 4 years but it voted yesterday not to do so.

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

I believe it is not possible to bring forward a proposition within 6 months of a proposition being refused in the House. I think that is the position so that would leave us no time before the general elections in October and November.

**The Deputy Bailiff:**

Do I understand, Chairman, that the likelihood as it relates to the time being, it is the *status quo* so far as Senators and Deputies are concerned, is that right?

**The Deputy of St. Martin**

With respect, I do not think that was made clear to Members yesterday and that indeed this is as clear as mud, I would ask that the President of P.P.C. resign because I feel he has failed and his Committee have failed to carry out the wishes of this House as from 26th September.

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

I wish to defend the Chairman of Privileges and Procedures. Quite clearly yesterday in the report attached to Privileges and Procedures' proposition it was made absolutely clear that this was the bringing forward of the legislation to give effect to the in principle decision that this House had made previously, Sir. I cannot believe that Members are now saying that they did not understand that that was the case. It was absolutely crystal clear. This House rejected that proposition yesterday, therefore my opinion is that Privileges and Procedures will not be bringing forward any further legislation during this session of the Assembly, Sir.

**Senator W. Kinnard:**

Can I just defend the Chairman of Privileges and Procedures because I think that we are responsible for having given him and his Committee an impossible task on every occasion that we have sent them away from this House, so I absolutely would defend him and say that there is no justification for a Member calling for his resignation when it is our fault that we are in this position.

**The Deputy Bailiff:**

I think that is enough on that subject. I think we will return to today's agenda, which is the Draft Connétables (Jersey) Law, and I will ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Connétables (Jersey) Law: a Law to make provision as to the terms of office of the Connétables of the 12 Parishes of Jersey and arrangements for their election and for connected purposes.

**The Deputy Bailiff:**

Chairman, before I ask you to begin, perhaps it would be helpful if I just said to Members, those provisions which, in my judgment, require the 27 votes in accordance with the new Standing Order. The principles and Articles 1, 2, 4, 5 and 8, it seems to me that all of those provisions fall within the proposition so they will therefore require 27 votes. None of the amendments do because an amendment is simply an amendment to a proposition. I see the Connétable of St. Peter trying to rise.

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

Just to be completely clear on this; the fact that the original proposition was approved by a considerable majority back in July, and this new ruling was not effective at that time, would it not follow that it would stand the majority vote, whatever be the number?

**The Deputy Bailiff:**

No, Connétable, because that was a decision in principle. This is now the legislation. This will be the decision which, if passed, does alter the term and therefore in accordance with Standing Orders, as now in existence, it must be passed by the relevant majority. That is the position and, of course, it is a matter for Members.

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

As the proposition requesting P.P.C. to prepare this proposition had a large measure of support in this Assembly, I intend to say very little about it. I think our report adequately covers the situation. I have indicated to my fellow Constables that I am concerned that a 4-year term would set them apart from the rest of the Members of this Assembly. I think this isolation might be used as a lever to oust them from the Chamber in due course. Speaking personally, I welcome the amendment from Deputy Gorst to leave the term at 3 years so that they too can play a full part in either the Executive or Scrutiny. But another important issue behind this proposition is to ensure that all the Constables can be elected on one day. I think having a general election day for Constables would enhance the position and underline the important part they play, not only in their individual Parishes but in this Assembly. I therefore move the principles.

**The Deputy Bailiff:**

Are the principles seconded? **[Seconded]**

**1.1.1 Deputy P.V.F. Le Claire of St. Helier:**

I thought about what happened yesterday and I spoke to the Vice-President of P.P.C. about my frustration, along with other Members, as to yesterday's events and the way that the proposition had been crafted and delivered by the P.P.C. Committee to really bring down any option for change. I felt very disappointed in the way that it was presented by P.P.C. yesterday as well, as today the President has presented this proposition with expressions of concern and reservation. I have not experienced in past years Presidents or Committee Presidents or Ministers bringing propositions to the Assembly with such reluctance and open reluctance in their opening speeches. I wonder whether or not it is more appropriate for people who are bringing these types of propositions on the will of States to make the case and then in any amendments express their reservations if they have any. Getting down to the meat and bones of it all, I went to every single Parish Hall when Clothier

was produced and I listened to the electorate and I listened to a lot of other speeches since then on the composition and election of the States, and I was a part of the Special Committee and I brought a no confidence in them, failed to get it by one vote. Subsequently we have seen a lot more of the same. The Constables have responded to the concerns that were expressed at Clothier at the time for this call for a general election, and I do not know how many more times I have got to stand up and say, and repeat, the expressions for a call for a general election were for the category of the office of Constable. Frustration existed, and still exists, that the Constables' elections were fragmented and that people were unaware or unable to contest them and frustrated that they had learnt in the newspaper that day that the Constable had been elected unopposed the previous evening because it had missed their attention and missed their notice. They felt that that was the reason why there should be a general election. But the general election that they were calling for was for the term of office for Constables, and not for the term of office for Senators and not for the term of office for Deputies. I have said it about 15 times, I do not suppose I need to repeat it now, they will be on Hansard for everybody to see in the future, if they bother. In the meantime, what about 4 years? Well, it would be very easy, would it not, to say: "Well, we did not get our 4 years let us not give them theirs, after all it would fragment the system." But I reflected a little bit more about what I have said all along in this and that is giving my support for the move for the Constables. At the time that they brought forward the 4 years I did say in the Assembly, would they be bringing back an amended version to make that 3 years, and there was an undertaking that they would and subsequently we notice that they did not. Now there was some frustration about that at the time, but I think, on reflection, I have listened to Deputy de Faye speaking a couple of times, and some of his wisdom - if you want to call it that - has started to sink into my feeling about the post. I think it is recognisable now that the Constables do work hard, they are engaged in the Executive, they are engaged in Scrutiny, they are engaged in Sub-Committees, and they are working extremely hard in their Parishes. They are probably more political now than they have ever been in the past, and probably now more effective politically as individuals within the Island of Jersey than many States' Deputies. They have staff, they have offices, they have resources, and they have an ability to make effect to changes outside of the process of the States of Jersey while holding political office. So why does the post not become more political? Why should the post be handed-on through the honorary system? Why should it not become more of a desire to be held as a political post? Why should not more people in the future seek position as a Constable of the Parish because of their political wishes to improve, conserve and deliver the wants and needs of that Parish? Well, at 3 years there is not much call for it, is there, really? Who would want the job? Extra hours, extra meetings. All those gowns, all those medals, all those shandies, all those cakes, all those dinner parties. Could one keep up? So, seriously, I think that if we give the Constables 4 years we will politicise the role more and if we politicise the role more we will see the role of Constable becoming a hard-contested seat rather than a handed-down seat in the future. I think we will see challenges from the Deputies' benches in the future, maybe not among this current Assembly, but in the future from Deputies that have aspirations for greater political involvement in the community. How much more could a Deputy achieve in their Parish if they were the Constable. So, the motivation to seek the office of Constable might just be that extra year, and we might see more of a fight for it. The overall general election of the Constables, I have got to say again, it was a fantastic proposition, it was well written, it was clearly understood, and it was well supported, and I think we should support that in its totality today. But I would just leave Members thinking about what I have said in respect of the motivation for the 4 years, and politicising the role. If we really want to see an end to the uncontested elections, and I believe that the vast majority of people in Jersey do want to see an end to that, then I think we have got to give them a higher status, we have got to give them recognition for the work they have done, they are doing, and they are going to do, and we have got to give them more time to do that work. So I will be supporting the Constables in a single election, and I will be encouraging Members to give them that extra year and make that office something more desirable than it currently is.

### **1.1.2 Connétable K.P. Vibert of St. Ouen:**

I would hope that we are not going to go through the debate that was had last July again. In the last couple of days people have mentioned that it was my proposition. In fact, it was a proposition by the Comité des Connétables and was presented by the Connétable of St. Peter because I was out of the Island on the day. The case was well made on that day and States Members supported it. This particular proposition is the means of bringing into force the decision that was made on that day. I am aware that Deputy Gorst has decided to bring in an amendment which would, in fact, take away a good half of that proposition. What I would say is, and to the President of P.P.C. as well, the Connétables have been in the House ever since the House was established. They have always been elected at random because of the electoral system of Connétables, and so if we do fall out of sync with the rest of the Members of the States it is nothing new. We have been there since day one. It has not meant in the past that Connétables have taken a less active role in this House. Connétables have acted as Presidents of Committees in the past. We have Connétables now in every role which the House can offer, other than Chief Minister or Minister. But we do have 2 Connétables who are Assistant Ministers, we have a number of Connétables on Scrutiny, so we do take an active part. The Connétables were, I think, getting quite frustrated at the lack of movement. I think we felt that the *Clothier Report* would have brought us together earlier on but because of the fact that this House could not come to any particular decision following the *Clothier Report* we felt that we needed to bring to the House what we wanted to see. We wanted to see the Connétables all elected on one day when the media, when the public, could focus on the role of the Connétable. It gave the Connétables, it gave the Parishes, an opportunity to better inform the public of what the Connétable's role was, and we felt that was vitally important. So it is vitally important that we retain this one day election. Connétables felt that certainly in *Clothier* and most of the consultation that had gone on since, there was talk of increasing the length of term. Connétables are quite mindful of the fact, and I am sure that Deputies feel exactly the same, a 3-year term does not really allow you to get anywhere. You get elected. You need a year to get your feet under the table, if you like, and then you start planning and then the following year you then have to start planning for your next election. It was felt quite strongly that the role of Connétable and a 4-year term sat very comfortably together. We certainly hoped at the time of our proposition that having led the way in proposing a 4-year term that it might encourage the States to get on and change as well. Certainly, the proposition of Deputy Troy, although with a very small majority, was accepted and we felt then that there had been some movement, that we were beginning to see some change. But yesterday, unfortunately, and I have to agree with the Deputy of St. Martin, that I am not sure that all Members were totally aware of what it was that they threw out yesterday. But today, Sir, this proposition is to bring into force the decision which was so roundly supported last July and I strongly support it, Sir.

### **1.1.3 Deputy C.J. Scott Warren of St. Saviour:**

I am afraid I feel we are taking one step forward and 3 steps, if not 4 or 5 steps back, with government reform. I think, Sir, that these debates on constitutional reform, the way they have gone - not the fact that we have debated it, the way they have happened - it does this States Assembly and us no credit. No wonder, Sir, the public hold the States Assembly in such low esteem. While, as a former member of the Privileges and Procedures Committee, I know what a difficult job being a member of that Committee is. Effectively each person on it is spouting a different opinion. But, however, I believe that yesterday's proposition, whether by intention or not, did scupper the 4-year term by introducing the Senatorial cutback in number and years. It was definitely put into that in my opinion, as I said yesterday, it did muddy the waters, whether by intention or not. I support, Sir, the Connétables all being elected on a single day every 4 years. As has been said by the Connétable of St. Ouen, 3 years is a very short term of office. While in my opinion, and I know we are not debating this today, but 6 years is, in my opinion, too long a term of office but that is a debate for another time. A minimum of a 4-year term would, I believe, enhance both Ministerial government and the Scrutiny function. So, Sir, I will definitely be supporting the

4-year term for Connétable. However, as a realist, with the requirement for absolute majority by this Assembly, I realise that it is now likely to return unfortunately, and I hope I am proved wrong, to 3 years. The States Assembly, Sir, is now taking on the reprehensible - in my opinion - mantle of the Do Nothing at All Government when it comes to the reform of Jersey's constitution. I ask Members, was this what the people told the Clothier Panel they wanted? I think not. So, Sir, I support a one day election for the Connétales because I believe in the past people have not known when their Connétable was up for re-election or whether other people were standing. Some people did not know, and told me in the Parish, I think 2 elections ago: "Oh, when is the Connétable up for re-election?" and it had happened within the last month. So it certainly will be greatly improved by being all on the same day. I also very much believe in the 4-year term of office the Connétable, as has been said by the Connétable of St. Ouen, they are really... if any, of the 3 Senators, Connétales and Deputies, the Connétales have been - I do not mean each one but as an entity - they are the ones that have been in the States the longest and I do believe that if they feel that their position will be enhanced by being a 4-year term then that is what should remain. The other issues, I believe, are not insurmountable, Sir, and it would be nice to think that after - I have forgotten, Sir, how many years it is since the *Clothier Report*, I think it is about 7 - if we could stick at least to one decision, to hold our heads up before the people of this Island and not be known as the Do Nothing Government.

**Senator M.E. Vibert:**

Could I just ask on a point of clarification, because it seems to me so far that the speeches have been primarily about the amendment rather than the main thing, about the 4-year term, and I am just trying to seek clarification when I should speak on that, Sir.

**The Deputy Bailiff:**

I understand, Senator. It is a tricky one. Clearly there are 2 matters in this Bill really. There is the general election and there is then whether it is 4 years, as put forward by P.P.C., or 3 years as is to be put forward by Deputy Gorst. I agree that the main debate on 3 or 4 years should take place on the amendment, but it does seem to me inevitable that people can expand shortly their views on it when talking about whether they approve the principles. Nevertheless, I would encourage Members to save their main speeches on whether it is 3 or 4 years for the amendment.

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

I am going to support the main proposition, Sir, for 2 reasons. One, I supported it last time round, and secondly, because the States as a majority agreed it in principle and I think we should stick to what we agree in principle. Last time round, I believe it was 35 people voted in favour and 12 against, and I should be very interested to see if those 35 people are going to be voting the same way this time round. I do, I am afraid, have to say I am going to disagree with my friend and colleague, Deputy Gorst because I shall not be supporting his amendment. That is life, but as far as I am concerned we support the main principle that we agreed in September of last year, I believe. I am going to make one comment, Sir, which is I am extremely disappointed at the comments from individual members of P.P.C. yesterday that did not support their proposition. However, I will say we are all equally to blame because we could have all brought other amendments to that proposition, and perhaps we missed an opportunity. Yesterday we certainly missed a major opportunity as far as I am concerned, and I think particularly in the eyes of the public, and that is not about P.R. (public relations) that is about their expectations. Today, please let us try and salvage something from this wreckage and support the main principle, Sir.

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

I spoke yesterday of general insanity and the feeling of being in bedlam. I think today we have got somewhat delusional because this vision that is being presented of the Connétable as being the vanguard of the revolution with their bandanas knotted round their necks, their berets flying, about

to storm the barricades of constitutional reform, is surely a step too far; and far, far indeed from the truth. The fact is that the Connétables are trying to fortify their position in the States when the reality is that they have that position by virtue of their position as Connétable of their Parish. This vision that if we extend their term of office to 4 years may well be correct, that 4 years is the right term for everybody, and that we have a so-called general election on one day for the Connétables will somehow revolutionise and spur change is a complete figment of the imagination. Of course, it will not happen. The Connétables are elected first and foremost to administer, run their Parish. That is what people go to vote for Constable for. Not for their political acumen, their speech making, or their role in the States, but essentially and overwhelmingly to run the Parish. That is what they are there for. Their role in the States is - we have to admit it - secondary. Whether it is useful or not we can argue, but it is undoubtedly secondary. The thought that all of a sudden because we have got a 4-year term and a general election we will get this upsurge of interest in unseating potential Constables, sitting Constables, all over the Island is absolutely nonsense. Of course it will not happen. Of course it will not happen. In fact, the whole idea that a general election can be held for Constables is really nonsense. Let us face it, where is the community between the border between St. Saviour and Trinity, between St. Lawrence and St. Helier. The election might happen on the same day but it is a completely different electorate. This is not going to cause revolutionary change at all. This is not going to lead to change; it is just going to reinforce the position of the Constables. Members, of course, know my position on the Constables. I believe they should only be here not by virtue *ex officio* of being the Constable but by standing for election to the States in a separate election, and I think that should apply. So I will not be changing my mind on any of this. I voted against this move in the first place, I will vote against it today, and I hope many more Members do because, let us face it, what we saw yesterday was the fact that while we might choose to go to 4 years, while we might choose to go to, in this case, a general election, that does not fit with the rest of the system and it cannot be made to work properly. What we saw and faced yesterday was the fact that making the step decisions one at a time without looking at the consequences leads to absolute, as I said yesterday, sheer madness. We have to look ahead. Yesterday demonstrated that we cannot get this piecemeal change, how many times do we hear from the benches: "piecemeal change is to be avoided"? This is piecemeal change and it cannot be made to work. The Lego blocks will not fit on. They are different sizes. We have to go back and think again. So I will be voting against. I would encourage everybody to vote against this change.

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

Contrary to the last speaker, although this proposition is headed Draft Connétables (Jersey) Law it is, in fact, about the reform of the States Assembly. Disappointing as it was yesterday to hear the negative speech of the Chief Minister, I firmly believe that we are so close to having a beneficial working arrangement for the States Assembly that in the new session, if I am here, Sir, I am sure we will see a very beneficial working situation for the States Assembly for the general election, for the Senators in an enhanced role, for the Constables and for the Deputies. So whether or not we end up this morning with a 3-year term or a 4-year term, it will not make a lot of difference to the Constables. What is important, Sir, is the single day election, and on that basis, Sir, I will support this proposition. I would repeat, we are so close to a beneficial working situation for this Assembly, in the new session, Sir, I am sure it will be brought to a situation where we will have roles for the Senators, the Constables and the Deputies which will be a working situation.

#### **1.1.7 Senator M.E. Vibert:**

I would like to support the Constable. I think it is very important we approve the principles of this Law so we can get on to the real debate which is about whether it is a 3 or 4-year term. I think it is eminently sensible to move to an election all on the same day, and I think it would achieve one of the aims we have been trying to achieve for some time, which is to get at least near to a general election, and I also think it would enhance the standing of the Constables, which is very important. I think the real debate, which I will not speak about now, Sir, will be on the 3 to 4-year term, but it

would be counterproductive to throw everything out. Let us have the real debate on that but let us accept the Constables are moving forward, they have agreed and they want to move to a single election day, and I hope everybody will support the principles of the Law so we can get on to debate the amendments.

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

I really just want to reiterate what the previous 2 speakers have said. I believe Deputy Southern missed the point this morning about why we are hoping to elect the Connétables all on the same day. He never mentioned the fact that it would also be on the same day as the Senatorial elections, and I believe that if we go down that route it will obviously generate a lot more interest in the election of the Connétable in each Parish and I urge Members to support that part of the proposition.

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

I was extremely disappointed with the debate yesterday. I think the Chairman of P.P.C. presented the whole issue with a bit of decorum, I must say, even if the waters had been muddied by the proposition, which did not do as it was asked from the debate back in September of last year. The members of P.P.C. who spoke out against the proposition, P.P.C. were...

**The Deputy Bailiff:**

Deputy, I am sorry, but we really do not want a rerun of yesterday's debate. We are here debating whether this particular piece of legislation...

**Deputy P.N. Troy:**

I wanted to make the point, Sir, that members of P.P.C. are bringing items forward on behalf of the Members of the State who voted for something to come forward and then members of P.P.C. are speaking against it when they are coming forward with these issues. I think that Senator Vibert and the Vice-Chairman of P.P.C. yesterday, Sir, had had their bites of the cherry when we first made the proposals and when they are bringing these forward on behalf of Members who have made a clear decision, then to speak out very strongly for a second time against this when they are meant to be presenting it on our behalf, Sir, is really something that really churns at my stomach. I think that certainly the Vice-Chairman of P.P.C. has certainly discounted herself from being a Chairman of P.P.C. in the future because she has shown, Sir, that she could not be impartial in bringing something forward. At least the Chairman of P.P.C., Sir, did display himself...

**The Deputy Bailiff:**

We have to come on to today's...

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

Will he give way for a moment?

**Deputy P.N. Troy:**

No, I am not giving way at all. I want to express an opinion about members of P.P.C. speaking out against propositions they are bringing on behalf of us Members, Sir. Now I am, of course, quite prepared to see the Constables having a single election day. That, of course, is something that we desire. I am now uncertain as to whether we should give the Constables a 4-year term because it all seems it will be out of sync. The whole idea of bringing forward the proposals was to get us moving towards a general election day in 2016, so I am mulling that over. If the Constables are approved on a 4-year term today I would like to give notice to the Assembly that in the next session I will bring forward another proposition for P.P.C. to bring the Deputies term to 4 years.

**1.1.10 Deputy P.J.D. Ryan of St. Helier:**

I think Members should just be aware here for a second, because I would like people to just consider the effect that voting in favour of the principles of this might have. I might still vote in favour but nevertheless I think I want to do it in the full knowledge of what it could mean. So there are 2 sides to it; one is a single day election, the other is the length of term, 3 years or 4 years. Yesterday the States voted to reject a 4-year term for Deputies, and I think they did that basically because, in hindsight, they realised that it would undermine or fatally wound the office of Senator. I think that was a prime consideration. Even a majority of each of the 3 estates in the House, that is Senators, Connétables and Deputies, each of those estates as a majority rejected that. Even the Deputies rejected it as a majority. I want people to think about this because if we have Connétables on a single day and the same day as Senators what will be the “general election”. The general election will be the Senators’ election and the Connétables. People will be voting for 7 Members of the States of Jersey each time, each person. If you move to a 4-year term, at least 3 times out of 4 the Connétables will be on a different day to the Senators, but every 12 years, I think, if my mathematics is correct, you will have effectively a general election on the Senators. Will that undermine the Deputies’ election? If you move to a 3-year term and a single election day for Connétables, will we not be moving into a general election for Connétables and Senators on one day and will the Deputies then start to become less of an issue, less of an election, over a period of time? I suspect that there is a danger that that will happen. Could you get to a situation where: “Well, if we are going to reduce the number of States Members should we not be reducing Deputies because they are secondary?” Now the main event is in October; the secondary event, the second stage of the House, the also-rans, are going to be a month or 6 weeks later. I want people to think about that.

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

I thought I was better today but ... [Laughter] when I was listening to Deputy Southern I have to say I was overcome with nausea. I thought I might have to leave. Of course we support... I think the majority of us support the idea of a general election for Constables but I just wanted, and I hope you will allow me, Sir, to respond to the comments made by Deputy Southern. Surely his credibility when it comes to the position of Constable is completely destroyed by the fact that he personally orchestrated a campaign by the J.D.A. (Jersey Democratic Alliance) to put up a Member for the recent Constablenesship of St. Helier, and I am frankly amazed by what he said today as if he can somehow dust off his J.D.A. principles about the role of the Constable and, frankly, I am waiting for him now to announce his departure from the party. That is what happened last time. [Laughter] I am not giving way, Sir, the Deputy has already spoken, presumably he will soon be announcing his departure from the J.D.A. in order that he can focus on his Deputy campaign.

**Deputy G.P. Southern:**

Can I have a point of clarification, Sir? [Laughter] My personal position on Constables is not that of the J.D.A. The J.D.A. does not have a policy on Constables; I do. Is that clear.

**The Connétable of St. Helier:**

Here we go. So, resign from the party.

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

Much as I would relish and enjoy intrusion into the private brief of the P.P.C., I shall resist that temptation. I do want to remind Members briefly of the importance of the Connétables, not only in this Chamber but of the very high regard that they are held in throughout the Island, and I think that there can be little doubt in that. We all know the job they do within the Parish, the workforce they have working with them, the dedicated secretaries, the volunteer roads committees and rates inspectors and so on. I reiterate again, simply and briefly what I said yesterday. There is no comparison between the role of a Connétable and the role of a Deputy. But let us just quickly look at the 2 elements before us. First of all the concept of a general election for Connétables. I

welcome the idea. It is, in effect, an experiment but let us have the experiment and see what happens. I will be interested, among many others, to know whether having an election for Connétables on one day does, indeed, create a massive new turnout of members of the public. It may not. We will have to find out. Will it create the party atmosphere of old? I regret that it probably will not. We have gradually been adjusting the laws relating to balloting and electioneering and I, myself, conducted a full review of the Election Law about 4 years ago, and now you cannot have a band playing within audible earshot of where the ballot is being conducted. That may well be quite right. We still hear complaints from electors about being apparently intimidated because either candidates or their supporters gather outside the Parish Halls and are there to either encourage, to shake hands, I personally do not understand how that can be seen to be intimidating. It is no more intimidating, in my view, than walking down the pedestrian precinct, but there we are. Some people do not perhaps understand that once they are inside the balloting area they can go into the booths and everything is done in total secrecy. So let us see what a general election for Connétables portends and we can all learn lessons from that, doubtless, for future reforms or how we may look at other methods and techniques of putting the fun back into elections themselves; if, indeed, that is possible. The question of tenure of office I think is an interesting one. Regrettably we do not really have much to go on...

**The Deputy Bailiff:**

Deputy, if I may, I would endorse the comment of Senator Vibert that there will be an opportunity to speak on whether it should be 3 or 4 years on the amendment. If we have a lot of discussion on the principles about 3 or 4 years it will then all be repeated on the amendment. If Members want a general election they should vote for the principles. If they do not want a general election they should vote against the principles, and I would urge Members to save their fire on 3 or 4 years for the debate on the amendment. **[Interruption]** Now, I am sorry, Deputy, it is a matter for you but I do ask Members to restrain themselves on the 3 or 4-year point until we get to the debate on the amendment.

**Deputy G.W.J. de Faye:**

I will take your wise advise, Sir, and continue merely to look at the matter raised, I think, by Deputy Southern in terms of how the Constables should or should not be elected. I would say, I support entirely the comments made by the Constable of St. Helier. Why on earth should the Connétable be asked to run 2 different elections? I can see absolutely no merit at all in suggesting that a Connétable should then, having been elected Connétable, should then subsequently be elected as a Deputy in order to secure a seat in the States. It seems to me an entirely ludicrous proposition, but then seeing the source from which it emanates from, perhaps that comes as no great surprise. Sir, I think this is the right sort of reform, it is a gentle reform, it is something that we can review over time and I think is a very helpful next step.

**The Deputy Bailiff:**

I call upon the Chairman to reply.

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

I would like to thank all the Members that have spoken, and particularly are very pleased to see the general support that this proposition has in the House, but I would just like to make one comment about Deputy Southern's comments about the role of the Constable. I believe quite firmly that people are well aware that Constables also serve in the States. I do not think there is any doubt about that among the electorate. There never has been a doubt, and it will continue never to be a doubt that the Constables are not only orientated for their Parish but are used in a definite important role in the States. Having said that, I will ask for the appel, Sir.

**The Deputy Bailiff:**

The appel is asked for on the principles of the Draft Connétables (Jersey) Law. I invite Members to return to their seats, and the Greffier will open the voting.

**POUR: 40**

Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator T.J. Le Main  
Senator B.E. Shenton  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy S. Pitman (H)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

**CONTRE: 4**

Deputy J.J. Huet (H)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)

**ABSTAIN: 0**

**The Deputy Bailiff:**

Deputy Ryan, do you wish to have this matter referred to your Scrutiny Panel?

**Deputy P.J.D. Ryan (Chairman of the Corporate Services Scrutiny Panel):**

No, thank you, Sir. **[Laughter]**

**The Deputy Bailiff:**

Now, Connétable, in view of the amendments I suggest we take article by article. So would you like to propose Article 1?

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

I would like to propose Article 1 which provides for Constables to be elected for a term of office of 4 years and for a Constable to retire upon the person elected to fill his or her role taking the oath of office.

### **The Deputy Bailiff:**

Is it seconded? **[Seconded]** So Article 1 is seconded. In relation to Article 1 there is an amendment from Deputy Gorst and therefore I will ask the Greffier to read the amendment.

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

Page 13, Article 1(1), for the words "4 years" substitute the words "3 years".

## **1.3 Deputy I.J. Gorst:**

Earlier this morning one Member had the courtesy to refer to me as a visionary. **[Laughter]** Unfortunately I fear that my amendment is purely realism. I do not believe that a clear case for a 4-year term of office for Connétable has been made. In fact, I believe that by accepting this proposition unamended it would leave them out of sync with the other 2 classes of Members in this Assembly. In light of yesterday's rejection of a 4-year term of office for Deputies I hope that Members will support my amendment, that is, of course, unless they have had a Damascus Road experience on the way home last night. However, in light of Members' confusion during this sitting maybe I should spell it out. My amendment, if accepted, would retain the term of office for Connétable at 3 years but will, of course, retain the single election day of the main proposition. I hope that is clear enough for all Members. Sir, I maintain my amendment.

### **The Deputy Bailiff:**

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

### **1.3.1 The Connétable of St. Peter:**

Could I take Deputy Gorst back to last July and his comments, I quote, on that occasion when this subject was up for discussion on the all-Island election day for Connétables was that: "This is an evolution but not revolution. A step forward" was his words. A step forward. My, how Christmas has changed his thoughts. **[Laughter]** Or someone else has planted a few seeds, that is all I can say, in his mind. I think that we are bringing about the overall change, not for the sake of wanting to be different, not for the sake of wanting to scupper any or pull rank on any other position, be it Senator or be it a Deputy. We are surely doing it as a way forward. It may be that we are not doing it in perhaps the form that would be the most acceptable, a consensus overall view where there would be a progressive and an agreed formula where everybody hopefully would agree. But I doubt if 53 Members in here at one time will ever agree on anything. Nevertheless, I think that we are at least demonstrating that it is going to be something that is going to be beneficial, something undoubtedly that will lead to answering, albeit a small part, of the public perception that the Connétables' terms are hidden behind almost secret little nomination meetings and, further to that, they returned their...

### **The Deputy Bailiff:**

Connétable, I am sorry, but we are on the amendment now. You seem to be speaking to the question of all the Connétables being elected on one day. Now, that is not the subject of this. The question now is simply they will be elected on one day, is it 3 years or is it 4 years. I think I must ask Members to confine themselves to that debate.

### **The Connétable of St. Peter:**

Thank you, Sir. I was just trying to paint the picture that no one was in any doubt as to the reasoning behind it. But bringing it back to the 3 years, really all the points that were addressed last

July to substantiate and to support a 4-year term are clearly now being whittled away, or that is the aim of the mover of this proposition, to go back to *status quo*. Now, I honestly believe that is not a step forward, as Deputy Gorst stated last July, but indeed a very big step back. Here we are going forward, there were a lot of plaudits handed out at the time that it was, at long last, at least we had shown that there was a degree of will and that degree of will, as outlined by Deputy Le Fondré earlier on in the previous motion, was by some 35 votes to 12, which was a very, very convincing number. I believe that the 4 years has got to be the best way forward, and I think it would be folly to go back to 3 years having agreed this principle only last July, and I would certainly urge all Members ... and I think what is somewhat disappointing, to hear the President of P.P.C. early in his comments this morning where he was in full praise of the motion as presented by Deputy Gorst, because I do not believe that that comment should have been directed from P.P.C. The fact that they were charged with a responsibility of bringing forward the wishes of this House, as stated, last July. So I would urge Members to please not support this motion and keep it as intended for a 4-year term for of the office of Connétable.

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

It is a shame that Deputy Le Claire has left the House because he made a comment earlier on about the fact that a commitment had been given by the Connétables to look again at the term of office that was proposed at the time of the proposition. He suggested that maybe the 4 years was not the correct length of time. The commitment that I made to the House at the time was that the Connétables would look at it again, and they did. They came out quite strongly in favour of retaining a 4-year term. We have here obviously a decision for this House to make. Whether they continue and support the decision which they took in July, which was a decision which was brought to the House not by an individual Member but by the Comité des Connétable to move the term of office from 3 years to 4 years. Or they go back and, in a way, rescind the decision which they made last July and we return back to the *status quo* of 3 years, which we have now. I am minded to go back to what Deputy Ryan said, and his argument was one which you could use for any proposition for change brought to this House. It is quite easy to say: "If you do this it is going to affect that" and I think it will. That is exactly what will happen. I think it is exactly the same whether it is a 4-year term for Connétables, or a 4-year term for Deputies, or a change of term for Senators. There is always the unknown about making that decision. I think, Sir, that the States should grab the nettle, should go along with the Comité des Connétables in feeling that a 4-year term should be more applicable to the role and let us see what happens. I do not believe that we will see the end of the world because of it. As I said earlier on, the Connétables have entered this House at various terms through the 3-year term of the Deputies and the 6-year term of the Senators. I do not believe that that has in any way restricted their role. I think that moving to a 4-year term will initially, in a way, upset the apple cart because it will not mean the general election will be every 3 or 4 years, but I think that, Sir, if we retain this and have the Connétables on a 4-year term it will, at least, give some incentive to the other Members of the House to put their minds to how they can best go forward with the changes that are needed.

### **1.3.3 Deputy C.J. Scott Warren:**

Do Members appreciate that voting to extend the Constables' term of office to 4 years with a substantial majority last year, only to vote to put it back to 3 years now would bring this House further into disrepute? What a fiasco. Shame on the way we make and unmake our decisions. Perhaps, Sir, we should rescind Ministerial government and go back to the Committee system. Why not? It is just as ludicrous as what we are talking about here today. We are going to be known, if we are not already, as the Go Backwards Government, the Reverse Government, the Cannot Make a Decision; if you believe the decision by the Government one day do not worry, in a few months the States will change it back. I mean, who is going to take any notice of any decisions this Government makes in future, Sir? Words do not fail me, but I must say the morale of some

States Members could not be lower in this debate today. Sir, I will certainly not be supporting this amendment.

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

Last July I voted for the Constables to have their 4 years in office. It was a time with extreme frustration that we had not progressed the remainder of what was originally proposed with Clothier or the son of Clothier or any other variation of the theme. Then we had the almost split vote for the 3 years for the Deputies, although it was a small majority. Since that time I was looking forward to finally we were going to finish what we started out to do. My stance has always been that we should sort out everything now and all at once. But it is not to be, and yesterday was the final thing, that it is going to be left until the next term. There was talk about having more research, more reviews, more all sorts of other things. I think today that I am going to support this amendment for one reason only; is that if everything goes back because only one thing has moved forward it might encourage everybody to get round a table and sort it out. I wish we had a jury system that you do not leave the room until you have made a decision, unfortunately the States does not work like that, and I cannot control that, but I want to be a jury and I would like to be the chief leader of it. I am not going to be, certainly not in this States' session, so let us put it back until we make an agreement that is workable across the board as opposed to having to accept the piecemeal that is going on at this moment in time, which I totally disagree with. Thank you, Sir. I want it to happen.

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

I am surprised by this House. We all have our reason for making decisions, and I like to think that sometimes I apply a logical mind to the problem. But it looks like a number of States Members do not really do that, and it changes from one day to the next. We really have to consider why we are bringing forward this change to have all 12 Constables standing at the same time. The whole essence of the argument was that...

#### **The Deputy Bailiff:**

I am sorry, Deputy, but that...

#### **Deputy R.C. Duhamel:**

I am coming to it, Sir. There is a point. The whole essence was to enable those 12 Members, the Constables, to also be considered for positions on Committees, either as heads or as members, all at the same time. Now, if we vote for 4 years we know, because we have rehearsed all the arguments time and time again over whether or not Senators or Deputies, or whatever, will be in a similar position. We know that we would get out of sync. It does strike me, Sir, as being ludicrous to be putting forward arguments - sentimental arguments - to say: "Well, the House is being held in disrepute or whatever for making a poor decision," when we are going to make or being encouraged to make by some Members, an even poorer decision which goes against the whole reason for bringing forward these changes in the first place. If we want all Members of the House to have equal opportunities to be considered for the jobs of Minister, Assistant Minister, members of Scrutiny or whatever, the only logical way is to have some semblance to a process that brings us all into line. Now, that has to be, from what we decided on yesterday, on 3 years. It cannot be any other way, and to vote for 4 years just means that you do not really understand the consequences of being out of sync or you did not really agree with those principles in the first place. As I say, Sir, it does make sense. There is only one way to vote and unfortunately I would have liked everybody to have moved to a 4-year term but that has gone by the board, so the fallback position is, as Deputy Gorst quite correctly states, is that we go back to the 3 years until such a time as a new House or maybe a House in the next session or whatever, decides to bring a greater sense of cohesion and coherence to the affairs. But make no mistake, if we vote for 4 years we have not really made a change and moved a step forward at all. We will be going backwards. There is only one way to

vote, and that must be for 3 year terms for the Deputies and for the Constables, and then at least we have got the 6-year terms in a sensible format to keep people on board at the same time. There is only one way to vote, and it will be interesting to see which Members of the House do not understand the logical processes that should be brought to bear when making this fundamental decision.

### **1.3.6 Deputy C.H. Egré of St. Peter:**

As I recollect, at Parish meetings, at M.O.R.I. (Market and Opinion Research International) polls, there has been a call to increase the term of office from 3 years to a greater figure. The figure 4 has been bandied around for many years. As I understood it, when we voted last year, we voted for the Constables and set a foundation on which to build that increase. At the moment, the elections for Constable are totally out of sync. This argument about: “Excuse me, we are going to be out of sync because we have got...” is absolutely ludicrous. This puts them back in sync. The 4-year term sets a foundation on which we can now build further reforms. It puts them or would put them in sync allowing us to build on that. It was the foundation that they came as senior members of this House and set us that task. We are going to start you off, we are going to kick-start. Let us take that kick-start, let us go for the 4 years.

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

I just pursue the argument of the previous speaker in that it is only 6 months ago that we decided on a 4-year term. Now we are looking at a 3-year term so what has made some people change their mind? I am one of those whose mind has been changed because 6 months ago in July, I think when we agreed a 4-year term I saw it, and I think many Members saw it, as a catalyst for further change, for coherent change. But a catalyst is something which makes the rest of the process take place properly. If the rest of the process is not going to take place properly then the catalyst has no effect. What we saw yesterday in rejecting terms of office for 4 years for Senators or Deputies, is that we would no longer have the coherent process that we had all hoped for last July when we agreed the 4-year term for Constables. Why then should we bother to make any change at all? I think what we have got here is the semblance of an improvement because we will have a single election day for all Constables, and assuming that we accept this very sensible amendment, that general election day for Constables and Senators will continue every 3 years, and it will, I hope, enhance the election profile of both Senators and Constables. But if we move to a 4-year term for Constables in isolation... and by yesterday’s rejection of the proposals, we are clearly going to do this in isolation. If we are going to do this in isolation then I think we are taking a further step backwards. So, I think the amendment of Deputy Gorst does at least enable some progress to be made whereas trying to go with the proposition as lodged by P.P.C. would simply pursue and prolong the chaos which we are seemingly dying to get ourselves into. So I urge Members to take the logical approach, the mathematical approach, the sensible approach of Deputy Gorst, and to accept the 3-year term.

### **1.3.8 Deputy S.C. Ferguson of St. Brelade:**

I am just a little confused, Sir, and I would be grateful... **[Interruption]** yes. Well, I admit to it. I would be grateful if one of the Constables could explain why, if they are so much in favour of change, why did only 4 of them vote in favour of change yesterday? **[Approbation]** I will not shame the rest by reading those 4 out but, you know, what changed between yesterday and today? Have we had one of Deputy Gorst’s Damascene conversions? I really do not see that they can sit there and expect that we change one sector when that sector has patently not supported overall reform. The Senators, that is another story. I mean I can understand why only Senator Norman voted for change but I would be grateful if the Constables could explain to me their rationale.

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

I am glad to have followed Deputy Ferguson because it is similar, along the lines. But I would just like to reiterate where we are and what I need to hear from the Constables, I need to hear more than we have always been out of sync. An election of all the Constables together is completely out of turn from the Deputies and Senators. I would say, Sir, it is completely different from one of them coming and going and probably the public at large, and even many States Members, not noticing because they do not... very few stand in election as it stands today. We are talking about - which I do think is a sensible thing - another debate, an election all in one day. How are we here where we are today? This proposition, the in-principle proposition, was lodged on 19th April 2007, much longer before we had the debate from P.P.C. of the big reforms. There are 37 paragraphs in their report, only one touches on why the Constables would like the 4-year term. I will read it: "The length of office is a matter for the States to decide but given that Members might agree to a 4-year term when it comes before the House, that is for Senators and Deputies, it is as appropriate to consider a similar term of office for Constables." We then went on and had the debate from P.P.C. and nothing, Sir, really was passed. I have a different memory, Sir, from the Constable of St. Ouen, a slightly different maybe interpretation of what happened after that. Because we were due then to debate the Constables election day and terms of office within the next few weeks. If my memory serves me right, it was not you, Sir, in the chair it was the Bailiff, and he asked the Constable of St. Ouen, would he be bringing an amendment to now bring this back to 3 years. I think - and I say my memory might be wrong, I have looked at it on the Hansard - the answer was: "I will be." He says today it was considered and it was not brought. Then we had the debate and I voted against the debate because to me it was not separated out properly. I would like to see the Constables elected all in one day. I think we will bring it in. But why I voted against the 3 to 4 years was because everything else had fallen and I think Senator Walker said it yesterday, we had agreed in my eyes to leave it where we are and let things bed-in and settle down. But we had speeches from the Constables that they were then leading the way. This was the only way for reform, piecemeal, but they were the ones leading the way because they could see that they needed an election on one day but that term of office was going to be for 4 years. I need to hear more from the Constables as to why... I know it is not great; I am a Deputy, I hear from the Constable of St. Ouen: "You know, it is not great, you get elected, you need to find your feet" and a lot of new Deputies who were finding their feet in the first year and then they had last year settling in are saying to me now: "Oh, it is election year again." Yes, it is. But I would also like to quote that 37 per cent - and it is in the Constable's report - favoured a 3-year term and it was only 30 per cent of the public who wanted to go to 4 years. So you can keep turning this around. Everything was voted out yesterday on the 4 years. It is not about not having respect for the Constables job. I totally agree with Deputy de Faye, they have 2 different sets of responsibility; it is not more. They are the father of the Parish, they have policing laws and they also have a duty to the States in the work they do. If they do not want to be ever a Minister or they are always a year behind or a year in front of when Ministerial government changes, I cannot see the point. As I say, it was never in my eyes, reading back and looking at the history, really their intention of going for 4 years to say that it was their intention of leading this House in a debate for change. It was a follow in this House, it just happened the way that the debates went. We cannot change our mind because an in-principle decision was made and I think that is why we have in-principle decisions because once that is spelt out: "You have now taken this in principle and this is the consequence of it" you have a chance to come back to this House. I do not particularly like in-principle decisions that are overturned but I can certainly stick by one that I made, Sir, I voted against it then. I will vote for the amendment this time because it brings the Constables back into sync with everybody else. As I say, unless I hear from every Constable and at least 3 or 4 of them can convince me that they have a dire need to have a term of office of 4 years, I really feel we need to stay where we are, everyone, 3, 6, until we come up, as Deputy Ferguson... I did not dig out the way the Constables voted on the P.P.C. amendments but I can assure you, Sir, none of them were carried so I would imagine that either way a lot of the votes carried in this House are on 12 benches, that they did not vote for the reforms in totality. So, Sir, I really thank Deputy Gorst for bringing this amendment. I think it is sensible and I certainly, as I

say, will be supporting it unless I hear some really valid reasons from Constables as to not. I really do not think even they could pull that rabbit or hare out of the hat. Thank you, Sir.

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

Yesterday, Sir, the Assembly did 2 things. We rejected the undermining of the office of Senators and thereby endorsed the Island-wide mandate: that is the first one. The second one is, by so doing, we rejected the 4-year term as well because I think most of us realised the impracticalities and incompatibility of the 3 elements that are at play here and always have been at play quite honestly. We go full circle and come right back to those 3 elements and they are: (1) do we retain the Senators and the all-Island mandate; (2) do we have a 4-year term or a different term from 3 years; or (3) do we have a general election? But there is another dynamic at play here. That is the political role of the Connétables. I am not sure that they themselves are totally clear on what their future role is either. Is it, as has been the case, a Parish role, principally? Or is it a more generally political role? Sir, I am afraid the Constables need to get real. In 2008, and under the Ministerial system, I believe their role needs to be more generally political. This is quite simply because we need their full commitment and their time on Scrutiny as well as the Executive. A 4-year term will undermine this because 3 times out of 4 of the elections they will be having an election day, on one day admittedly, but at a different time and in a different year to the rest of the States. Now I know that like me they are getting on a little bit and it sometimes takes them a little longer to realise what is going on here. Have they fully thought through what happened yesterday? Have they fully thought it through or have they been thinking about their Parish duties overnight, maybe? Because if they wish their roles to be enhanced they should support a 3-year term and align their election day with that of the Senators and contribute to a general election in both practical and political terms. They will need to get re-elected and there will be more elections, they will need to become much more political. They will need to have thoughts and they will need to express their opinions on the general political role of the Island as well as their own Parish. That role, I repeat, that role will be enhanced, that political role will be enhanced if they align their election day with Senators. If they do this will, indeed, prove to be a catalyst for future change as they say they are trying to achieve. But the future change will be in the office of Deputies in my view rather than Connétables or Senators. Thank you, Sir.

#### **1.3.11 Deputy G.W.J. de Faye:**

I know the Treasury Minister is indeed a very gifted gentleman academically but I am not sure whether he holds a Chemistry A Level or not. So it was interesting to hear him discourse to us on the subject of catalysts. Recalling my chemistry 6th Form studies a catalyst normally encourages a reaction between a substance that does not normally react, or encourages a rather more vigorous reaction in substances that do. But I have to tell the Treasury Minister just because he does not like what has ended up in the test tube does not mean the use of a catalyst was a bad thing and that we should go back and not do it again. I think Deputy Scott Warren got the mood here about right. That is to point out how unfortunately it will look that only a matter of months ago we said in this Chamber that 4-year terms for Connétables was a jolly good idea and now we do not think we are right any more. Yet more inconsistency. I think we should stick to our guns. But that is going to be difficult given the paucity of evidence before us, because we do not have a lot to go on. We have on the one hand the foot-under-the-table theory and that is to say that any newly elected politician arriving in the States takes, as I understand the theory, a year to get their feet under the so-called table and then takes another year to plan things but, of course, once things have been planned your eye is taken immediately off the ball in year 3 because you are all worrying about having to run for election again. That is, of course, apart from worthy Senators who have much longer to contemplate their re-election opportunities. Do we have any solid evidence for this? Has a study been brought? Have Members across the Assembly been consulted or offered advice on just how long it did take to get their feet under the table, how swiftly planning and policies were put into motion, were they able to see them through or not? Indeed, when do we start worrying about

forthcoming elections? I have seen no review, no paperwork, no discussion on that range of subjects whatsoever. So we have a paucity of information on that basis. Deputy Gorst, interestingly, falls back on our other buttress of information here which is the now legendary Privileges and Procedures Committee's pie chart. A fascinating pie chart which - and I know I will get the figures wrong - in broad terms the little slices ran out somewhere around 34 per cent, I think, for 3-year terms of office, around 30 per cent for 4-year terms of office and something like 27 per cent for 5-year terms of office. I am sure we can all recall that in the face of these very large chunks of pie, the finger in the pie expert on Privileges and Procedures Committee said: "Well, obviously 4 years is the one to go for because that is in between 3 and 5. So we are probably covering most of the bases if we plump in the middle." But Deputy Gorst of course, who is a Deputy and like most of us suffers at the hands at the first past the post system, applied his accounting skills here and said: "Well, obviously the 3-year one may be in the shape of a pie but nevertheless it took the highest percentage of opinion. Therefore that is presumably the right way to go." But, indeed, is it? Because I think it is generally accepted throughout the Assembly that 3 years is not really long enough and that indeed there is some merit in how long it takes to get your feet under the table and how long it takes to basically wade through mud up hill trying to get your policies agreed by other Members and seeing them come to fruition. Indeed it is also extremely clear how somehow Members' confidence in their own policies starts to fade as we get nearer and nearer to election time. People begin to waver and there is an overt concern in some cases for trying to make assessments on the basis of: "Will this be popular?" as opposed to: "Is this the right thing to do?" So I think that it has been generally accepted that there may well be some merit in having a 4-year term. So why do we not test it out on Connétables and see whether Connétables in year 3 are more resolute over basic elements of policy principle than they might be if they were facing elections in a month or so's time, as the rest of Deputies benches will be obliged to do. Sir, I think there are a number of issues there for us to ponder carefully before we simply just role back to where we were. Here is an opportunity to see whether there is value in a 4-year term. Another aspect of this, and it is one that I think is probably the most important feature is that within 'a milieu' where I think it is generally understood that the electors and certainly the population at large have a not entirely clear understanding of how the States machinery of government works. I think it would be useful to distinguish the 3 classes of States office more clearly than they are distinguished now. Let us face it, we are not suddenly going to be moving to one class of office, despite the fact that there will be Members who think that that is the right thing to do. I do not happen to be one of those Members. I am in the "if the clock isn't broke, don't fix it" position. Although I have my own theories on how we could take things forward and they will surface or not in due course. But I do think, and I have said this previously, I think there is enormous merit in the Connétables having a 4-year term of office because there is then quite a clear and succinct distinction between the 3 classes of States Member. There are Senators, the senior Members generally regarded as such because they put themselves to the Island-wide franchise and expose themselves and their policies to the maximum, and they have their 6-year term of office. Then I think we have to accept that the next senior role is that of the Connétable, so why not distinguish the role of a Connétable with a 4-year term of office and the Deputies - a form of hanker that has grown over time based entirely on population growth in various Parishes and no other straightforward logic than that - come up at the rear quite rightly on 3-year terms of office. It makes enormous sense to me, I think it is something that will be clearly and easily understood by the voting public and the public at large. But we are told this is a potential for catastrophe. Things will get out of sync. It reminds me of these phrases about the suggestions that somehow government will collapse into chaos because we are not all synchronised any more. Well, as usual, it is all a question of mathematics. There will be synchronicity once every 12 years in any event. But, why? What is the sudden - and it is a sort of obsession that seems to have been developing over the last matter of weeks alone - importance of this synchronicity? The Constables have been elected entirely at random for as long as I can remember. I have not witnessed any scenes of chaos, of any difficulty or struggle on behalf of the electorate and life in governmental terms has

continued very satisfactorily indeed with the Constables being elected completely at random, popping up from here to there, disappearing, coming back again and there was no question, and the question has never been raised before, as to how this was somehow going to impinge on other aspects of government operation. I simply do not see that synchronicity is a serious issue to be considered. If anything, what we are seeing is desperation from the other charters within the Assembly that somehow if they can link themselves in with the new idea for general elections for Constables, it will enhance their own election. It might drag a few more people out. Well, all I say is be wary. Be very wary about encouraging lots of people to come out to vote because you may not get the result that you were expecting. But, Sir, I do want to end on one point, and it is an important point. I have seen a couple of indications of a tendency towards sour grapes from the Deputies' Back-Benchers. I saw very clearly when we first went down this road, as I have said, an almost childlike insistence that: "Well, if they have got 4 years we should have 4 years too. Why should we be left out, we are almost the same, are we not?" Well, no, Deputies are not the same as Connétables, except to the extent that we all have one vote in here but then so do Senators. I do hope that there will not be a sour grapes tendency which is: "Well, if we cannot have our 4 years we are going to make jolly well sure that the Connétables cannot have their 4 years either." I really think that would be a pretty poor approach. Bear in mind that the public out there already know that we have supported 4 years for the Connétables in principle. So are we now today going to backtrack on the basis frankly of a couple of entirely thin theories of synchronicity and having joint elections? I do not believe we should. I thank Deputy Gorst for bringing the amendment forward. He is quite right; the pie chart says 3 years has it, not 4 - but then it is not down to me to instruct Privileges and Procedures Committee how to read the runes. They have their own most intriguing way of carrying out constitutional reform, I do not happen to believe in it but I do believe that we should again grasp the nettle and give another opportunity to assess experimentally what a 4-year term does. Does it produce more resolute decision making? I think it probably might and I would like to see what effect it has.

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

After a refreshing Christmas break on Monday I was really looking forward to getting back into this Assembly. Really looking forward to being part of the cut and thrust of government, making decisions for the improvement of the Island and all the rest of it. After a day and a half of torture treatment I wish I had not come back frankly. I need to say to Deputy de Faye that I am afraid he is completely wrong and Deputy Le Fondré, Scott Warren, there were some of us on the previous debate that supported the agreement of the principle of a single Constables election on the basis that an amendment would come forward for 3 years. It is a rewriting of history. It is completely incorrect to say that a decision on a 4-year term has already been made. It had not. I stood here in the last debate and encouraged people to vote in favour of the proposition in principle on the basis of an amendment. We do not make decisions on one day for legislation. We do have decisions revisited. They do come back to give further mature consideration to have it scrutinised. That is what scrutiny is all about and I am afraid to say even if there would have been an agreement for 4 years, which there was not, it is entirely reasonable for Members to consider things afresh in the light of new evidence or in the relationship of other matters of composition in the States and change their minds. I am astonished at some of the perceived logical comments that Members have made. A 4-year term will not work with a 3-year political cycle. It simply will not work. In 2008 we will have an election for Senators, Constables and Deputies. In 2011, it will be Senators and Deputies. Constables waiting until 2012. 2014 we will have Senators and Deputies, 2016 Constables. How is that going to work with the appointment of Ministers and Scrutineers? How is that going to work with Constables taking a full part in a 3-year cycle? It is just simply nonsense. If that was not persuasive enough, which I imagine ... and you do not need a chemistry A level, a maths A level, a degree in politics; you just need an ounce of common sense to understand that that is the situation. If that was not enough, has the case been made for a 4-year term for a parochial term of office? Have I heard one reason why we would make an exception to logic and give the Constables a 4-

year term. Nothing. I am going to vote in favour, of course, of the amendment because it is probably the least bad situation. When we come to the principles of the Bill I have a mind to throw the whole thing out because I think we should probably have a period of reflection on the composition of the States and go back **[Interruption]** but I will vote in favour of the amendment...

**The Deputy Bailiff:**

You might be a bit late, Senator, because the principles have been voted on already. **[Laughter]**

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

Well, when we come back for the Third Reading or any other opportunity then one will have an opportunity, as one always does, to reconsider and I am getting the impression that some of these arguments - the whole arguments of the composition - we need to go back and think again. But Members must, if they are going to make a decision today, vote in favour of a 3-year term otherwise we are simply going to look ridiculous.

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

Once again, it is a bit of déjà vu coming about for me to speak 2 days following. It seems the whole Assembly must be coming into a Dr. Who situation, I think, in that respect. But I feel I must get up and speak and especially to the last person who had one ounce of common sense and he wished he had not come back. Those 2 do go together and I think some of us would feel the same as well, we possibly wish he had not come back. I feel that I must get up now before we get 2 people standing up who are going to be speaking, you can rest assured, against this amendment. One is going to be Senator Vibert, who is not here in the House at the moment, and it is disappointing once again... oh, he has appeared like magic once more. It is also disappointing again, I counted before he came in I think there were 29 people in the Assembly getting very close to a quorum which once again shows how serious everybody is taking this situation. The other person that will be getting up, you can rest assured, in fact he looked at the clock before thinking: "My goodness I should not really be here but I am going to have to wait" because the Chief Minister always waits to sum up everybody else's speeches and he is going to do that again you can rest assured. He will do **[Interruption]** no I am not going to give way, I am sorry, Chief Minister. I do not often speak, you speak enough times and if I am here **[Laughter]** to speak I am going to have a say. You can rest assured he will be up, he looked at the clock, I saw him **[Laughter]** and thinking: "Have I got time to go for a cup of coffee or is there anybody else going to speak?" Because he will do and he is against this as well. As he was against yesterday. It was rather interesting, I was thinking yesterday when he got up and was totally against the reorganisation and he mentioned about being positive but then on the other hand I felt that his speech was very negative so I was not sure whether it was a negative positivity or positive negativity that he was talking about, because how can you have it both ways. He has always been for progress; let us move forward, we are where we are. Yet he was then saying: "Hang on a minute, why can we not have a Committee of Inquiry that will get it off my hands I will not be here when the results will be because I am not standing next time round. **[Laughter]** Can you just get the gist of what I am trying to say, is this is what is going to happen and all the time it is. We have heard this morning all the negativity, why we cannot, why we cannot, why we cannot; it is a shame really that this House does not in future make a New Year's Resolution to start saying: "We can. We can. We can move forward." Every time someone comes forward with something there is a negative: "Oh, we cannot do that, it is not right. It is not right, we cannot do that." Not that I am having a go at the Chief Minister this morning, far from it - as you would gather - but he does say, and he has said many times in the past with the speeches about our Island needs to have its own... **[Interruption]** that is what it is, yes, and that is a positive attitude, is it not? Let us have that. Let us be different. Why have we got to copy everybody else all the time? We want to go forward into the world and say: "This is how it works, this is how the system works." We have not got a party political system within Jersey, we have got an individual one. Unique most probably to nearly all of the world. So

let us keep that uniqueness. Let us move forward in that sense and say: "Look, this is how we work, we do not have to be like everybody else, why do we have to be like everybody else? Let us move forward." That is what he has been wanting to do all the time and now we suddenly get a negativity about everything. The previous speaker spoke about the different years and the elections. He was absolutely right because I had written all that down beforehand so he must have copied it as he went through for his cup of coffee again. It must have been the same but that is not a bad thing. In the past we have heard about being in sync all the time. There is the Deputies every 3 years. We have the Senators who go - notice the Chief Minister is ready for summing-up, he is pulling me up on what I am saying again because he is making a note of this. **[Laughter]** It is coming, it is coming, the summing-up is on its way. We have the 3-yearly one with the Deputies, we have the 6-yearly one with the Senators, we have had approximately every 3 years you get 4 Constables, approximately. That is 12 of them over there. Now, that is really out of sync, is it not? Really, really out of sync. So really all we are asking for is to come a bit closer to sync, a stage at a time as we said yesterday, not being in a piecemeal fashion but a stage at a time. We do not want to throw everything out all at once. It has been said, in the conversation or in the thoughts about a one day election: "Let us have a one day election for the elected. Everybody be elected at the same day. We have the Senators on the same day as the Constables and the Constables on the same day as Deputies, the 3 of them all together." What a good idea everyone said: "Let us have a one day election." My goodness me there have been answers to that report in saying: "You cannot have all that. The whole States could be all thrown out and you could have 53 new members all in one day." It could happen, could it not? Everybody shouting for one election. Stability. This is what is required, stability. It has been mentioned many, many times. Us, the old gentlemen, the Connétables, they bring a certain amount of stability to the Chamber. This way forward is to keep that stability. You can have your Deputies and your Senators on the same time, 3 years, 6 years, fine. Yes, 2008, this very year, we have got the 3 of them all coming up at the same time. Then in 3 years' time you have then got your Senators and your Deputies again, everybody thrown out. If you are going to go back to a 3-year one, everybody thrown out, the Constables as well. You then get a sudden instability about everything. The Constables will not though, in those 3 years. The Constables will be there for the next year to keep the stability that the States and the Chief Minister has been on about over the years, which is this is the strength of Jersey, of its politics. People know their stability in the Island. It is the stability that counts, not every 3 years you could have everybody thrown out. The Constables will then have a stability and bring that stability to the States Chamber. They might not be Presidents or whatever but they will be there to continue after that 3-year knee-jerk that you have had with the Deputies and that in 2011. Because the next Constables election will be in 2012. Then you are back to 2014 where you get the Deputies and Senators again, and a couple of years later you then get the Constables. They are still there in the States keeping that stability where there could be upheaval otherwise. Then in 12 years' time it says: "Now, what a coincidence" and it is a shame really that Senator Le Sueur is not in House at this precise time because after 12 years put on to 2008 you get 2020. Now 20 means 20, we know that. **[Laughter]** We have heard that many times, 20 means 20 and therefore is it not a coincidence that in 12 years' time when it is back to holding elections we have that stability again, 20 means 20. So all these things are falling into place. If anybody has got any common sense among them... sorry, we do not have an ounce of common sense at the moment, I forgot that, but nevertheless you get stability. Political stability. Deputy Ryan was saying that. Why do you not align for the Senators, why do you want to be different to anybody else? The Constables do not have any political stability. Align to the Senators? That means to say he is going now for us to have 6 years instead of 4 which we are asking for which is in the general process. If we align to the Senators we will be asking for 6 years. We are not asking for 6, we are asking for 4 to keep that political stability. It is common sense I would have thought. Deputy Martin, she is in the Chamber, because most of the time she is and I commend her on that as well. No, it is true. **[Laughter]** No, I do mean that. I do mean that with all sincerity. She is in the Chamber. She comes on to and criticises the Chairman of the Connétables because he definitely said when we had

that: "I will be coming back with this proposition." That was his own personal comment at the time. I will be coming back. Like everybody, you rely on consultation. He said that without consulting his other 11 Connétables. I am awfully sorry, I am not used to getting up and speaking or as learned as I should be as the Minister of Education, my apologies. But he said: "I will be coming back." Yes, sure he will be coming back and as a slip of the tongue he said: "I will be coming back to a 3-year term." But he had not consulted his other 11 Connétables and if you did hear him this morning he did say that he put it to the Comité des Connétables and we are still in favour of the 4-year one. That is what he said this morning. He should not have said: "I will be coming back" without consulting the rest of his Connétables. So therefore he did not do that. But then consultation, as you are well aware, goes on all the time. It is not the first time. I do not see there is any awkwardness in having this 4-year term. It is an Island-wide stability, we all know we want stability. The Constables always like to think they will bring a certain amount of stability to the States Chamber. Some of us do not speak very often but when we do I like to feel that there is a lot of sincerity about it and I would like to think there is a certain amount of truth about it as well. When I just said that the Deputy of St. Mary did shake her head and agree... not shake, nodded her head and agreed with me. I am only sorry, although she was nodding her head, yesterday she did not vote the right way. I am only a bit sorry in that respect. But nevertheless I had better leave it now because otherwise we will not get a summing-up done by the 2 people that will be doing it **[Laughter]** and therefore I do ask seriously just think of what I have said because during the past few years how many times have we heard about stability, good for the Island to move forward. It is coming more in sync with what it is for the 4-year. We are having it on one election, having it for 4 years. We have had it thrown all over the place previously. So I do ask all of you that are wavering now is the time not to agree with this amendment. I know some of you have already got your minds made up because the majority of those that go out for coffee always have their minds made up beforehand and that is why they do go out there. But I do ask sincerely, just think about it in all these different veins because we are not looking at it as Connétables just for the good of ourselves. That I can assure. That is why the Connétable of St. Ouen, when he came back to the Connétables meeting we said: "No, we still must go for that 4-year one." There is no reason at this precise time that we should not. Can I just say on the last note there is a lot said about the Parishes. The Parishes. Just remember the Parishes are its people. We have 12 Parishes and therefore one would like to think at times that the Parishes speak on behalf of all the people of the Island, the electorate of the Island. A Parish is its people. You are the Parish. I am not the Parish of St. Mary, nor is the Deputy. It is its parishioners that are the Parish and I wish everybody would think in that vein that when you talk about the Parishes you are talking about all of the electorate of the whole of the Island of Jersey. Thank you, Sir.

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

Could I have a clarification point from the Connétable of St. Mary. If I have understood it... if the Connétable, as he is saying, is standing every 4 years no Connétable would ever be able to be a Minister, Assistant Minister or on Scrutiny except every 12 years.

**The Deputy Bailiff:**

That is not a point of clarification, Deputy.

**Deputy J.J. Huet:**

Is that what he was saying is what I am trying to get...

**The Deputy Bailiff:**

No, I think that is a point for you to make in your speech in due course.

**Deputy J.J. Huet:**

I was asking if that is what he meant, though, that none of them would be able to do any of these jobs because they would not be in the right sort of time frame.

**The Deputy Bailiff:**

I do not think he mentioned that. Deputy Le Claire.

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

Four or 5 interesting speeches in a row there. I think I would like to just say what I said before and congratulate Deputy de Faye on his wisdom. I think it is wisdom. I was also very pleased with the Constable of St. Mary's enthusiasm 2 days in a row. I am sure that being on the Environment Scrutiny Panel I have managed to have enough heated debates with him now that he has got a little bit more used to standing up for what he believes in, and he certainly did today. I congratulate him for what was I think the best sentence of this debate, which was: "We are not doing it just for the good of ourselves." Really that is what it is about. Funny thing is that I have been on that side on the Constables and I have been on this side with the Deputies twice, so I know having been involved in the constitutional matters how one personally is affected by the considerations of the self-interest of one's office and whether or not one decides to do something because you preserve your office and they will preserve your office, and you preserve their office and they will preserve your office and you will all stay doing what you hoped to do, which is for the good of the people. I certainly did get a feeling when I was in the Senators benches that the Senators and the Constables did have an affinity to recognise the people stated quite clearly and categorically throughout the real consultation that took place in relation to these proposals of change, that they wanted to see the Island-wide mandate remain and that they wanted to see the Constables in the States. The issue about reducing the Deputies never materialised in the consultation, which is an interesting thing. But the one clear thing that came back from every single Parish that had a vote, and the only one that did not have a recorded one in the *J.E.P. (Jersey Evening Post)* did have a vote, and they all - because I stood in the assemblies of all of them and witnessed it - categorically supported the retention of the Constables and they all categorically supported the retention of the Island-wide mandate. I was there. I saw it. It strikes me as strange, being in the Deputies benches again, and let us cut some issues here. Okay, nobody likes a Senator that cannot be a Senator getting back in as a Deputy. It is irksome, is it not?

**The Deputy Bailiff:**

Deputy, I am sorry, but we are debating whether the Constables should be here for 3 or 4 years. So I would ask you to try and confine your arguments to that point.

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

It is threaded-in there, Sir. It is threaded-in there in relation to... I am trying to make the point, Sir, that if one is not successful in one category, one has an option of standing in another category. I am trying to make the point that as having done that myself, there was a possibility for me to remain in what I have chosen to be my career at this time. The people have allowed me to continue that by electing me as a Deputy, Sir. I am trying to make the parallel that if the Constables' elections were out of sync, it might allow some other opportunities for people that have got a lot of votes in the Senatorial election that were unsuccessful to reconsider in a reasonable period of time whether or not they wish to stand as a Constable and continue to do what they have put themselves forward for which is what the Constable of St. Mary said not just for the good of ourselves. I am sorry, I have got to wholeheartedly agree with the criticism that Deputy de Faye levelled at some of my fellow Members on the Deputies' benches. There is sour grapes occurring in the Chamber and childlike attitudes. I had a very unusual hobby as a child of 2 things: (1) scrumping for apples that were not mine - sorry, about that - and the other one was collecting board games. I found it interesting all of the different types of rules and regulations that pertain to each and every different type of board game. What we are seeing here today is a complex issue with all of the different

ideas that people have about how one can apply those issues and those rules and regulations to achieving the same outcome; to win and to win for the good team. The good team, we should remind ourselves, is Jersey. Are we proposing rules and regulations that are going to be for the good of Jersey? I am sorry, I do not see a lot of Deputies getting behind their Constables in the way that I feel that they should be behind their Constables. It saddens me because the Deputies should be there supporting the Constables as much as possible. I think they should become a little less politicised in their alignments. If they wish to be politically in charge of the Parish then they should stand against the Constable themselves or they should seek election as a Senator. They should not sit in the ranks of the Deputies and not support their Constables. That is not what the people want. The people want the Deputies to be elected to serve them in their district. They also want because they have an affect on that election to be able to support their Constables. At the moment it is a bit like the scrumping issue. When you go scrumping with somebody that is not a very good friend and you help them up on to the wall and they clear off over the other side stealing all the apples and you are left there wondering why on earth you helped them up in the first place. The Deputies have got to get real. The Constables have come back with a clear set of proposals to answer the needs of the people for a single election. The Constables have done what the people have asked them to do. All of the Constables - or many of them - have listened to the people when the Clothier elections took place. A little critique from the Constable of St. Ouen that I was not in the Chamber when he made reference to my earlier remarks. I was listening in the coffee room but I take on board what he said. At the time - and it is borne out by Hansard as pointed out by Deputy Martin and agreed by Senator Vibert - I did raise the question about whether or not the Constables should go away and amend their proposition. But quite rightly, as has been pointed out by the Constable of St. Mary, the Constable of St. Ouen stood up and agreed to do that because he thought it was the right thing to do - an honest man - without bearing in mind the fact that he had not consulted with his Constables. Having consulted, he has come back. We have now learnt that. So why can we not get behind our Constables when our Constables are saying there should be a 4-year term? Why can we not get behind our Constables? If we cannot vote with our Constables on this then really I hope those Deputies would explain to me how they can support their Constables in the States at all really. The 4-year term for Constables will be a single election day and will put them out of sync with some of the other offices. But as many Members who come to this Assembly realise, when it is time to start divvying-up the cake once the elections are over a lot of the offices that are given to people have nothing to do with their speeches and have nothing to do with their abilities. It has all to do with their allegiances during the election times and prior to the election times and their affiliations on their beliefs in politics in Jersey. So they are rewarded according to their allegiances. Their abilities sometimes come into play but I believe it is allegiances. Many, many times I have seen the States cutting-up the presidencies, cutting-up the ministries, not because of whether or not somebody has given a great speech or because the people gave them a huge mandate but because they have got support in this Assembly among...

**The Deputy Bailiff:**

Deputy, I am sorry, I feel we are drifting from the point a little.

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

They have got support in this Assembly among their fellow Members. Okay, unpalatable as it is, it is the truth. I believe if you really believe in the system and if you really believe in giving your colleagues support then give it today to the Constables; give them the 4-year term. If Deputy Troy brings a proposition that the Deputies should have 4 years we can debate that at another time. But we have to give our support today to the Constables. The reason why yesterday failed, and let us make no mistake about it, it was because it was engineered to fail. It was engineered to fail because it protects self-interests to my right and the allegiances with those self-interests on my right. Unpalatable but the truth. The Ministers, the majority of which are Senators, who also have similar leanings politically. Now we are being told - and, oh, so predictable - that we have utterly failed

and we should go back to square one. Not back to square one to the Committee days but back to square one where we can have a Committee of Inquiry that will delay change for as long as possible and allow the unsuitability to continue for as long as possible of the way the people in this Island are represented because the way the people are represented at the moment, in my view, is less than democratic the way we have got it set up. We need to change these rules. We need to change these conditions for a better outcome. Stay with it as it is and you will get more of the same.

**The Deputy Bailiff:**

Deputy, I am sorry, I must ask you to come back to the proposition which is 3 or 4 years for the Connétables not a general discussion on other matters.

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

Right, Sir. I do not know how being out of sync as Constables would make anything different than it exists already. I do not think that they should be left at 3 years. I think that that is motivation to go back to stagnation. I think we should be brave and we should support the Constables in the 4 years.

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

The first thing I would like to say is after 2 years in this Assembly out of my 3-year term I still find it difficult to muster thoughts on and to not reflect my degree of frustration with what is happening in this Assembly. I listened to Senator Walker yesterday and to Senator Ozouf a few minutes ago talking about the chaos that would be caused by a 3-year cycle not working with a 4-year cycle and a 3 and a 4-year cycle not working with a 6-year cycle. Also, if you ally to that it is very clear to me that the Senators do want to maintain the *status quo* and do not want any change. I find that I am fairly sure that if the Constables are to be supported and to move to a 4-year cycle that inevitably after this House has ceased to exist and a new Assembly comes in that there will be some form of change. I also believe that a solution will be found. In 1948 because of civil disquiet and discontent with the way this Assembly was composed, the then Privy Council ordered change to the Assembly and change and a solution was found. The new kids on the block - who are the Senators to my right - were brought in to replace and were given an Island-wide mandate. That was forced change and a solution was found. We are not in that position at the moment. I have listened to another morning of time-wasting, navel-gazing and here we go again. It is clear that there are large sections of this Assembly that do not want any change of any kind. Apart from one Senator, the Senators do not want any change. Half of the Constables do not want any change for the Deputies.

**The Deputy Bailiff:**

Deputy, I am afraid I must make the same remark to you I think as I did to Deputy Le Claire. This is not a re-run of yesterday. This is a discussion on an amendment as to whether the Constables should be elected all at the same time either for 3 years or 4 years. So I would ask you to confine your submission to that.

**Deputy S. Power:**

Okay, Sir. I had 7 other small points to make but I will not make them. I am going to oppose the amendment and support the Constables.

**1.3.16 Connétable P.F.M. Hanning of St. Saviour:**

We have been here for a day and a half and so far hopefully we might have achieved something - or I hope we will achieve - which is one-day election for the Constables all together. We appear yesterday to have given some support, I think rightly, to maintaining the status of the Senators. Apart from that we really have achieved nothing. We talk about whether by having 4-year terms for the Constables it will all be out of sync. Will the sky fall in? Will there be chaos? No, there will not. What will happen is that we will muddle on as we do now. If we have 3-year terms for

everybody with a multiple of a doubled term for Senators, that is simpler. Everyone understands it. I think the difference between 3 and 4 is relatively minor; 4 is probably more practical in terms of what you achieve but the States have succeeded in carrying out lots of legislation with 3-year terms in the past. I do not think if we stay with that it is too much of a problem. I think I may upset people when I say this, but I think we over-inflate our own importance. I think to the public outside whether we have a 3-year term or a 4-year term is totally irrelevant. I think we are really wasting time by debating this at this length. I think probably on balance a 4-year term might be better but I am tempted to go for the simpler option of having 3.

**1.3.17 Deputy J.J. Huet:**

I do not think I can be accused of suffering from sour grapes because I have never changed the way I have ever voted in here on this subject. The question I am really asking - and I would really like an answer for - is between this 4 years and 3 years as you so rightly keep us on the right track, Sir. But in my little mind I work out in 2008 we are going to have 6 Senators, the Connétables and the Deputies. That is fine. When the tasks get split-up in this Assembly when we come back or whoever comes back, Sir, you will have your Chief Minister, your Minister, your Assistant Ministers, your Scrutiny chairmen and your Scrutiny members. That will be up to everybody in this House to vote for that. Everybody will be eligible to stand for that because you will all be sitting in this House on that day. Fine, no problem, that is great. That sounds fine. That is exactly... you were hoping to move forward. This is what Ministerial government was going to do. You will move forward. Now that sounds great. Ah, what happens 3 years later when you have your other 6 Senators stand and your Deputies re-stand? Presumably there is an election. You are now in 2011, if my sums are correct, and back the people trot to this Assembly. You all sit down and we start to vote again. Now how are you going to... you have got your Connétables now only going to be in for one more year so you cannot really put them up for a Minister for a year. It is not really keeping things on an even keel. We cannot really have them on Scrutiny either because they are only going to be there a year and you cannot do them for Assistant Ministers. Fine, so you really cannot put the Constables in those positions because it would not be right because they are going to be a year. So then when their election comes up and they come back into the House, you have already formed your Chief Minister, Ministers, Assistant Ministers, chairmen of Scrutiny. I thought we were all supposed to throw our weight in equally in this Chamber and all do. I think Scrutiny already have problems trying to find enough members to help them. They are going to be 12 short because the Constables are not going to be in line with this 3 and 4 years. I thought that we were supposed to be all working together but straightaway you are only going to be working together every 12 years. That cannot be good for this House. If the Constables are going to tell me how they are going to split themselves into Scrutiny and Chairmen and Ministers and Assistant Ministers on that 4-year thing, fine, I am quite happy to look at it but I cannot see it at the moment. That is why I have always stayed with the 3-year.

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

I was reflecting possibly this morning on our debate yesterday when I thought that really it is some time since I... there have been some good speeches this morning but it is really a long time since I have heard so much rubbish and irrelevance in the States. Those Members who have spoken in favour of the 4-year term for Constables, I am merely scratching around to find any evidence in support of their position. In fact I think I am correct in saying I have yet to hear a single reason why a 4-year term is an advantage. Listening to Deputy de Faye earlier, Sir, who made an unusually - for him - thin speech I thought, Sir, I was left with the impression that he welcomed 3 different terms of office; 6 for Senators, 4 years for Constables, 3 years for Deputies which gave me a vision of a tricycle, Sir, with all 3 wheels of different sizes. In my view a fairly good analogy of the shambles that the States would be if we did adopt those separate terms of office. The Connétable of St. Peter, Sir, suggested that 4 years was a step forward. Unfortunately, as we now realise, Sir, out of step with everyone else. Not good when you are marching and not terribly good

for government either. The Connétable of St. Ouen, Sir, when speaking on the principle, but about the 3 to 4 years, suggested that having the Connétables out of step with the rest of the House is nothing new; it is not a problem due to the irregular elections at the present time. They are not in sync with anybody at the present time. But it seems to me, Sir, he has forgotten something and that is that there is a world of difference between 1 or 2 changes now and then and the rather bigger change of 12 all changing at once out of sync with everybody else. I do think, Sir, and one or 2 Members have alluded to this, those who support the move for a 4-year term for Connétables should really have considered their position more fully when they rejected the 4-year term of Deputies yesterday because had that been adopted there would be no problem whatsoever with the 4-year term of Constables today. We did not, Sir. It was thrown out and there is a consequence to making decisions. The consequence is you cannot now have 4 years for Constables because to do so will not only cause confusion at election times when in some years the elections coincide with Senators and some years they do not. You never know where you are. Most unhelpful, Sir. As I have said if Members wanted 4 years for Constables, they should really have considered more fully what they were doing yesterday. The position is if you want a properly functioning government, as others have alluded to pointing out where things coincide and where they do not, there is no option but to stay with the present 3-year term. The Constables may have taken the step forward that the Constable of St. Peter alluded to but unfortunately, Sir, their colleagues stayed at attention. Now the Constables have to take the step back to be in line. Also I think there seems to be a lack of attention paid to this. Some people seem to be deluding themselves into thinking that 4 years creates a general election. It does just the opposite. It creates more division than there is at present. Three years creates a general election when the Constables and the Senators will always be elected year after year after year at the same time. Four years puts them in sync, out of sync, in sync, out of sync, confusion. That is not going to enamour the voters, Sir. I believe it will only further serve to irritate them. I believe there is possibly a more dangerous side to this that we may not have considered because apart from making the position of the Constables in this Assembly less inclusive because positions will already be filled when they are either returned or new Constables are brought in. Instead of making them more inclusive, it is more likely to marginalise them in this Assembly, Sir. I really do hope that for once Members... we did not do it yesterday. I hope Members understand the ramifications of the decisions that they make because it has been suggested by more than one speaker that this is leading the way. Well, maybe leading the way, Sir, but unfortunately those leading the way are lost. It is our duty to call them back into the team before they become irretrievably lost, Sir, because I think the marginalisation that I referred to a few moments ago could possibly lead to the eventual ousting from this Assembly of the Constables.

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

I do think that this expansive proposition is a huge step forward. I do not think that the amendment is a step back. I think that is an additional step forward. What we have to look at here, Sir, is what is really the more important thing; simply the lengthening of a term of office or the integration of a vital part of this Assembly fully into the cycle of that Assembly for all the reasons that have been given by the previous 2 speakers, Sir. Sometimes a plain and simple bit of speaking I think as we got from Deputy Huet is the thing that gets it across. I support the Constables generally because I value tradition, I value their experience, I value what they bring to this Assembly but not necessarily as individuals solely, not necessarily solely as the Comité but as an integral part of this whole Assembly. Sir, I fully believe that in order for them to participate fully they need to be elected at the same time as the majority of this House so that they can take these vital offices on. It has been said, Sir, we do have a number of Constables who have very prominent positions but it has also been mentioned that we do not have any Constables who are Ministers. For their capabilities and their abilities, Sir, there is no reason why we could not, but for the time that they are elected I would say, Sir, that is probably the greatest barrier to that. After a lot of soul-searching, Sir, I think I will have to support this amendment simply because logically it allows the Constables to go into a position of even greater strength in this Assembly. Sir, that is my ultimate

concern. I have always said that I support the office of Constable. I support them being in this Assembly. I, therefore, support ways in which I think their value can be enhanced and strengthened, Sir.

**The Deputy Bailiff:**

Does any other Member wish to speak? I call on Senator Perchard to make a notice.

**Senator J.L. Perchard:**

I would like to give notice of my intention to propose a closure to this debate in half an hour as I believe Members' oral contributions now are meaningless as Members' minds are made up. We are just talking for the sake of it.

**The Deputy Bailiff:**

Very well. So you have given notice at 11.58am. Sorry, I think I have seen the Deputy of St. Martin rise first.

**1.3.20 The Deputy of St. Martin:**

I think we have got ourselves a bit of a mess as indeed the Chief Minister said yesterday. One of the problems we keep having is when we do not get propositions that come to the House which are absolutely clear and separate so when you are voting for something you know exactly what you are voting for. One of the difficulties I had when we voted in July was I firmly supported the principles of the Connétables coming in for one general election. I thought that was a big move. In fact I voted for that again today because I think that is important. But I did not vote for it in July when it came forward simply because I was concerned about the 4 years. I felt all along if we started the 4 years we would have a piecemeal. I voted against it even though I wanted to vote for the 3 years. However, we then came to the Deputies' elections for 4 years and having the door open for 4 years for Connétables: it seems a logical step if that was a pragmatic one-step approach. I voted for the 4 years for Deputies. I firmly wanted yesterday for us to vote 4 years again for the Senators so we would have it in sync. I thought that those people who had voted for 4 years for Constables and 4 years for Deputies would have voted 4 years for Senators yesterday and indeed retained the 4 years they had already voted for Deputies. But it did not happen. Again, why? Because of the drafting. I think we have got a big plus. We have got the plus that the Connétables are all going to come in every 3 years at one time. That is a big thing. We are now, because we voted against the possibility of a 4-year cycle yesterday, I do not think we can vote for 4 years for Connétables now; not for sour grapes, just for practical commonsense. I am going to support Deputy Gorst because I think we have got to have the 3-year cycle. Good, well done, Connétables. We have got you all in one general election every 3 years. Big plus. That is the one step forward. The rest is back on the drawing board.

**1.3.21 Senator M.E. Vibert:**

I hope my contribution will not be meaningless. I believe every States Member has a right to speak and should have the right to speak on a very important subject. I am sorry if I am boring Senator Perchard. Obviously I have done it because he has left the Chamber again. I think we should take this subject very seriously. I think there are a number of reasons we should take it very seriously; one is that when we look at the proposition, you will see what we are proposing to do to enable the Constables to go to 4 years here is to change the code of 1771; 337 years of history. We are proposing to do it for what? I will go on later if I may to look at the arguments briefly for and against. I think that is what we should do. We should weigh-up what are the advantages and what are the disadvantages. I do not think we should change over 300 years of history lightly. I hope the Constables took that into account when they were reconsidering their decision to go for 4 years. In fact I think that possibly the vote so overwhelmingly in favour of the combined proposition of an election on one day and 4 years possibly was because of the undertaking given by the Chairman of the Comité des Connétables to reconsider whether it would be 4 years or 3 years. There certainly

was some confusion at P.P.C., of which I am a proud member, Deputy Troy. Sir, I do not know if it is right at this point but Deputy Troy's remarks particularly about the Vice-Chairman of P.P.C. I think were wholly out of order. I think the Deputy of St. Mary has proved herself a very able Vice-Chairman of P.P.C. and eminently capable of taking on the higher role if required. I think it was more the reaction, Sir, to yesterday's debate when Deputy Troy's proposition was overturned. I wondered if it was right to pass him some mints, Sir, because I think he has got a very bad case of sour grapes. Perhaps it would help him. I think that yesterday's decision changed things. I think that we need to look at that change and ask now what is in the best interest of the Island. Not just the Connétables. Not just the Deputies. Not just the Senators. But what is in the best interest of the Island? I want the Connétables to play a full part in this Assembly. I have always supported their retention in the Assembly and I want them to play a full part in the Assembly. How is that going to be best achieved? Is it going to be best achieved by them being elected on the same day every 3 years along with the majority - in fact the vast majority - of all the States Members? It will be as close as we have been able to get to a general election. There will be 47 Members elected every 3 years with only the 6 Senators who are not up for election out. So 47 out of 53 every 3 years if we stick with the 3-year term. Is that better for the Connétables to play a full part in the States or would it be better for them to play a full part in the States if their elections are completely out of sync except for every 12 years? How will they be able to play such a full part when their elections are not at the same time? I think that I heard, and I listened very closely, and I listened particularly to the entertaining speech of the Constable of St. Mary. I listened and the Constable of St. Mary came up with one of the only 2 reasons I have heard so far as to why the Connétables should go to 4 years. The Constable of St. Ouen mentioned the other. The Constable of St. Mary mentioned stability so there would not be a wholesale change. I can understand that. I can also understand that I believe a lot of members of the public would like to see more of a general election-type thing which would go against that stability. In the reforms of 1948, the stability was provided by having Senators elected in 2 tranches. But I accept that that is one of the reasons for. You would not be able to have a wholesale change because, except every 12 years, the Connétables would be out of sync so to speak. The other reason for the change, I heard, was from the Connétable of St. Ouen. That was a general reason that the argument that some Deputies made yesterday that 4 years was better because it gives you more time to settle in. I think, with all due respect, it is a very weak argument for the Connétables. Very few Connétables serve only one term. So the argument about length of term, I think when you have got most Connétables who serve more than one term that argument loses some of its strength. But that is on one balance; some stability, longer term. What is on the other side against going to 4 years? It is really quite interesting. Deputy Huet brought it down to brass tacks as she often does. It will be much more difficult for Connétables to be included in the general rearrangement of the government of 3 years when all the posts are up for election because they will not have just been re-elected. They will be one year to go or 2 years to go or just been re-elected a year before. It is a recipe for confusion and chaos. For a 3-year term, as I said, it gets very close to the general election that a lot of people have been asking for; 47 out of 53 States Members. If we go to elect the Constables on the same day as the Senators, 47 out of 53 States Members will be elected in a general election period every 3 years if we stick with the 3 years. I think that is getting quite close to what a lot of the public have said in numerous surveys, M.O.R.I. polls and in their submissions to P.P.C. and previously to the Special Committee that seems so long ago now that I Chaired on the composition election of the States. Those I think you have to weigh-up. What is best for the Island? I also think what is best for the Connétables. I would like to say I think the Constable of St. Saviour came very close. He said it is not of great importance to the public at present - they do not regard it as that - and perhaps implicitly the 3 years is best. I agree. I would like to save some of the Connétables from themselves because I think it is important that the strength of the Connétables in the States is maintained. I believe that that strength will be maintained by them being an integral part of the States and the election cycle. I would urge people to support Deputy Gorst's amendment.

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

I will be brief because I said most of what I want to say about reform yesterday. But I just wanted to remind Members of something. The Constables proudly announced that they were ahead of the game when this is all came out. They were the first to go for this longer term and that everybody else was following. But of course history has been written in the last couple of days and it has not followed. Therefore, the sensible thing of course would be for the Connétables to accept that and move on with the principles that are in this amendment. If the Constables were serious about reform they had an opportunity and they voted against it. That was the last P.P.C. proposal which included the referendum. Most Constables voted against that. That was an opportunity for some reform and they decided not to take it. So that was a missed opportunity and this will be a missed opportunity I think too if they do not accept this and move on, start with that blank sheet of paper again and carry on. I thought the Deputy of St. Mary pointed that out very well, that if they want to strengthen their position, accept this. If they go for a 4 year term, as many speakers have already said, it weakens their position as serious players in this Assembly which I regard them as such. But being out of sync in that cycle - that life cycle, if you like - of this Assembly then that would only damage their position of having the opportunity to take higher office in this Assembly as some of them already do. I fully support Deputy Gorst's proposition. I do hope we will go to the vote shortly.

### **The Deputy Bailiff:**

Does any other Member wish to speak on the amendment?

### **1.3.23 Deputy J.A.N. Le Fondré:**

I will say I am probably slowly losing the will to live but we have about 20 minutes I think left to go to the vote, thank goodness. Personally, Sir, I will be supporting the main proposition. I am not supporting the amendment. I think the case for a 4-year term has been made many times in the past as a general principle. Part of that argument has been made is that a 4 year term allows for better, longer term decision-making; 5 years is too long, 3 years is too short. I agree with the Deputy of St. Peter and a number of other speakers, including Deputy de Faye, that this is a building block to reform: that is the way I look at it. It will mean if this is approved today that if you believe or think that there is a hope to get some form of reform done at some point in the future, this will force the next States to do something about the balance that is left. In other words, if you want any change you should reject the amendment, you should support the proposition. That means you have taken that first step to getting some changes done. That is my view. Sir, some people say: "No, let us wait. Let us hold everything back. Let us try to do it all in one go." We have seen trying to do it all in one go in the past, even in the past 2 years. The States as a whole have not accepted it. To me, evolution is the only way we are going to get anywhere. We are not going to get the revolution unless we follow Senator Syvret's suggestion of yesterday. I do think in practice, Sir, that the Connétables do not tend to change in one block. So all this argument one year down the line you are going to have 12 Constables disappearing, in reality you might get one or 2 changes. But I think the practicality is that the Constables tend to stay there if they are doing a decent job in their Parish which they generally tend to do. I think there is a practical argument the other way which says that in reality being supposedly out of sync, all of this problem of appointing members of Scrutiny, all that sort of stuff, I do not think that is going to be an issue. Just as a minor clarification which has been quoted a number of times about the Chairman of the Comité des Connétables and something he said during the debate on the 4-year term and the single election day for Connétables which as far as I am concerned is P.54 of last year. Sir, I think I would like to read the first words of the Connétable of St. Peter which says: "I would stress that in the absence of our Chairman, I have been asked to act as rapporteur for this proposition." If you look at the voting, the Chairman was not here. So the point being, Sir, he may have made a comment at some other time but certainly for the purposes of this proposition which is what we approved, he cannot have made a commitment to look at it again because he was not in the Chamber at the time. Anyway,

Sir, I go back to the point as far as I am concerned let us stick to something we have previously agreed. We were under no major illusions at the time we agreed it. It was agreed 35 to 12. Let us please stick to our previous decisions and reject this amendment.

**1.3.24 Deputy A.J.H. Maclean of St. Helier:**

I rise mainly to congratulate the Constable of St. Saviour. I was very impressed with his speech; in particular his balanced view that he put forward. As a new Member to the States I thought it was quite illuminating and in particular, as he sits on the Constables' benches, I felt it was quite illuminating that he should be moving towards the view that 3 years and the maintaining of the *status quo* was probably the most sensible view. I am not quite sure whether it is the fact that he has had to sit through this debate [Laughter] that persuades him; the thought of 4 years is beyond comprehension. Nevertheless, I thought it was a very useful contribution that he made. Sir, Deputy Gorst when he made his opening remarks I think mentioned the fact that somebody had suggested that he was a visionary. I am not sure, Sir, that a great deal of the vision was sadly on display only 2 days ago during the D.R. (disaster recovery) Regs. Nevertheless, what he has done in bringing this amendment is demonstrate a great deal of commonsense because like Deputy Gorst I also supported in July of last year the draft Law that was brought forward. I was also of the belief that we should be moving towards a single election day for Constables. I think that was the most important and most relevant aspect of that particular suggestion and proposition. I was not, however, sold on the concept of a 4-year term. It clearly without doubt... and the arguments have been rehearsed many times. I am not going to even begin to go there and I am sure Members will be very thankful of that. But it is the single election day as far as I am concerned is the bit that we really want to embrace. It is the most sensible thing. Having Constables elected at various different times clearly does not make a great deal of sense at all. It is the package that was put together in that debate in July in total was not entirely right although I did support it as Deputy Gorst did. However, this amendment gives us the opportunity to ensure that the *status quo* in terms of the years of service is maintained but that we do get one single election day. I do not believe that 3 years is a period of time that is too short to do something constructive. I think 3 years is perfectly reasonable to be constructive in terms of what you can contribute towards the running of the Island and the decisions that can be made. How often do we hear, for example, the phrase that a week is a long time in politics? In my view it is an extremely long time and I think 3 years an awful lot can be contributed. Sir, I do not wish to add any more other than to say that I am 100 per cent in support of the amendment that Deputy Gorst has brought forward and I urge other Members to support as well.

**1.3.25 Deputy P.N. Troy:**

I do strongly believe that the whole issue was muddled by P.P.C. bringing the wrong proposition and that the Constables did shoot themselves in the foot yesterday by not supporting the vote that Deputies also go for a 4-year term. I wanted to ask, Sir, basically on a point of order, the fact that P.P.C. did not bring the proposition that was asked of them could not the President of P.P.C. come back to this Assembly very speedily with a proposition which relates? If this were approved today that relates then to the Deputies only for 4-year term as they were asked because we were asked to vote yesterday on Deputies and Senators on a 4-year term rather than Deputies on a 4-year term which was asked of them, which was the vote originally in 2007. What I am saying, Sir, is I feel that I could support the Constables today if I knew that the other item would come back forward speedily. I know there are regulations under Standing Orders but I feel that the proposition that was lodged by P.P.C. and debated was not the proposition that they were asked to lodge, Sir. I wondered, from the Chair, what is your opinion on P.P.C. being able to speedily lodge a proposition that the Deputies also have a term of 4 years of office, Sir? That would be once this debate finishes.

**The Deputy Bailiff:**

I think the first question is whether P.P.C. would be minded to do that. That is a matter not for the Chair.

**Deputy P.N. Troy:**

But my point, Sir, is that they brought something forward which did not comply with the request that complied in one respect, but then they bolted-on so many add-ons, Sir, that it made it impossible for this Assembly to put it through. The result yesterday was so close - it was just by 4 votes, I think - that it could be an issue that I feel could be debated again as a sole item, Sir.

**The Deputy Bailiff:**

I would not want to give a final ruling without considering it, but my instant reaction is that yesterday there was a proposition to increase the term of office of Deputies to 4 years and that was rejected and therefore the normal rules would apply about prohibiting that matter being debated again in the near future.

**Deputy P.N. Troy:**

Right. Okay, Sir. Well, I am just very disappointed with the whole situation that we have got ourselves into again. I think that we are probably best to head back to everybody on a 3-year term for the present time and if the Chief Minister suggested that there might be another course where we carry out an independent inquiry, I feel that we have basically - as Members have said - gone around in circles and dug ourselves into an ever deeper pit showing that the Senators cannot accept any change; the Constables can accept change where it relates themselves, but they cannot accept change when it relates to the Deputies and it is a sorry state of affairs and I am extremely disappointed through this whole episode again we have achieved nothing on reform as usual.

**The Deputy Bailiff:**

Does any other Member wish to speak on the amendment? Very well, I call upon Deputy Gorst to reply.

**1.3.26 Deputy I.J. Gorst:**

Can I start by thanking all Members for their speeches and their contributions. Many Members have said several things about who said what when in previous debates and I do not wish to rehearse those or be personal regarding those comments in any way whatsoever. However, I would just like to pick up some of the opening comments by the Connétable of St. Peter who quoted one of my earlier speeches when the initial proposition was before this Assembly saying that I had used the phrase that it was a step forward, and indeed it was a step forward. That step was to a single election day for the Connétable. However, I would go on to say that a change to the term of office would not be a step, but a stride; a stride which would put them out of step, in fact, with the election terms of the other 2 types of Members and therefore, to my mind, would be unacceptable. I would like to draw Members' attention to one or 2 speeches, particularly Deputy Ryan. I thought his speech about the role of Connétables was extremely helpful and I fully support his sentiments about how the Connétables will need to become potentially more politicised in future under the Ministerial system of government. I thank Deputy Scott Warren for her very passionately-made speech, however I would say that by accepting this amendment, is very little difference from what this Assembly did yesterday by approving in principle a change to the Deputies terms of office and then when Members had seen the implications of that change and the ramifications, they decided that they would prefer to keep the terms of office for Deputies as they currently stand at 3 years. As Deputy Baudains said in his, what I thought was a very good speech, decisions have consequences and we must always remember that. I would like to thank Deputy de Faye for his lecture, who managed, by my count - and I might have missed one of his subject areas here - to lecture us in chemistry, catering, accounting and viticulture. It was most interesting. Unfortunately, I did not agree with any of it. It would not be right to end this summing-up without touching on one or 2 of the sentiments of Deputy Le Claire and Deputy Troy. Deputy Le Claire, I

believe, said that P.P.C.'s propositions brought before this Assembly were engineered to fail. I believe he was absolutely wrong. P.P.C. has a duty to consider the implications of any proposition it presents to this Assembly. As I said earlier, when this Chamber looked at those implications, it rejected them. P.P.C. had and has a duty to act responsibly and that is what P.P.C. did by bringing forward the 2 pieces of legislation that it did. I believe if we consider the speeches of Deputy Duhamel and Senator Le Sueur, they made a logical and reasoned argument about why we ought to retain the 3-year term of office. Deputy Le Fondré said that he believed that by accepting a 4-year term of office we would stimulate change in the future. In fact, I believe that the reverse is the case if we retain the 3-year terms of office for both Deputy and Connétable it will in fact, in future, make it easier and more straightforward to extend both terms of office for both of those classes of Member.

**Senator W. Kinnard:**

No, I am sorry, I cannot hear the Deputy because there is rather a lot of chattering going on, on the Constables bench.

**The Deputy Bailiff:**

The ideal, if I may say so, is to be here and not be speaking.

**Deputy I.J. Gorst:**

I shall be here and not speaking very shortly. Finally, I believe that the only logical and commonsense position is to accept my amendment and retain the 3-year term of office. Therefore, Sir, I maintain the amendment and call for the appel.

**The Deputy Bailiff:**

The appel is called for in relation to the amendment proposed by Deputy Gorst.

**Deputy S. Power:**

Can I seek clarification on this vote? This is an amendment to a proposition; it is not the substantive proposition. Does that mean that the voting result on this amendment is by a simple majority or by 27?

**The Deputy Bailiff:**

It is simple majority. Very well, so it is for or against the amendment of Deputy Gorst and the Greffier will open the voting.

**POUR: 29**

Senator S. Syvret  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)

**CONTRE: 18**

Senator L. Norman  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Deputy A. Breckon (S)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy of St. Peter  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)

**ABSTAIN: 0**

Deputy G.P. Southern (H) Deputy S. Pitman (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy D.W. Mezbourian (L)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

**The Deputy Bailiff:**

Very well, so now we return to Article 1 as amended, which has now been proposed. Does any Member wish to speak on Article 1? Very well, all those in favour of adopting Article 1, kindly show. Those against. Article 1 is adopted. We then come to Article 2. Do you propose Article 2, Chairman?

**The Connétable of St. Clement:**

It still has the 4 years. That needs to be amended first, Sir.

**The Deputy Bailiff:**

No, you have got to propose it.

**The Connétable of St. Clement:**

I will propose it, yes, Sir.

**The Deputy Bailiff:**

Then I am going to ask the Deputy to propose his amendment. So, is Article 2 seconded? **[Seconded]** Now, there is a consequential amendment from Deputy Gorst, so I will ask the Greffier to read the amendment.

**The Greffier of the States:**

On P.13, Article 2, for the words “fourth year” substitute the words “third year”.

**1.4 Deputy I.J. Gorst:**

Simply to say I thank Members for supporting my previous amendment and ask that they might support this one too. Thank you.

**The Deputy Bailiff:**

Very well, is it seconded? **[Seconded]** Does any Member wish to speak on this amendment? All those in favour of adopting this amendment kindly show.

**Deputy S. Power:**

Can we have an appel, Sir, please?

**The Deputy Bailiff:**

You want an appel on this consequential amendment? Very well.

**Deputy G.W.J. de Faye:**

Just on a point of clarification, a vote against this amendment would indeed cause chaos, would it, or not?

**The Deputy Bailiff:**

It would indeed. If I may say so, from the Chair, it would be completely nonsensical. It would have one part of the Law saying 3 years and another part of the law saying 4 years, but a Member has asked for an appel and therefore we shall have an appel. The Greffier will open the voting.

**POUR: 43**

Senator S. Syvret  
Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Martin  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S. Pitman (H)  
Deputy A.J.D. Maclean (H)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

**CONTRE: 3**

Connétable of St. Mary  
Connétable of Grouville  
Deputy S.S.P.A. Power (B)

**ABSTAIN: 1**

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

**The Deputy Bailiff:**

Very well. Now, the debate is therefore on Article 2 as amended. Does any Member wish to speak on Article 2 as amended? Very well, all those in favour of adopting Article 2 as amended, kindly show. Those against. Article 2 is adopted. To propose Article 3, Chairman. I think we must do them separately because Article 4 technically needs the absolute majority, although I take it that on

a standing vote it is obtained on an absolute majority, but because we cannot be sure of that, I think we must take them separately. So, would you propose Article 3?

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

Article 3 requires the Royal Court to make an order for an action to fill a casual vacancy in the office of Connétable as soon as possible. There is a provision if the vacancy occurs after 15th August in an ordinary election year, then the vacancy will remain unfilled until the ordinary election. I think that P.P.C. will need to look at that because there is a problem as far as I can see; the problem being that if the vacancy occurred because the Constable, for instance, died then there would be no Constable until the election.

**The Deputy Bailiff:**

I am sorry, I have rather lost you, Chairman. You are proposing this, but you are saying you do not think it is a good idea?

**The Connétable of St. Clement:**

Well, I think the P.P.C. will need to look at the Regulations because of that point, Sir. I propose the adoption.

**The Deputy Bailiff:**

Is it seconded? **[Seconded]** Does any Member wish to speak on Article 3? All those in favour of adopting Article 3 kindly show. Those against. Article 3 is adopted. Do you propose Article 4, Chairman?

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

That just merely codifies the position if there is a casual vacancy.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on Article 4? All those in favour of adopting Article 4 kindly show. Those against. Article 4 is adopted. Article 5; do you propose Article 5, Chairman?

**The Connétable of St. Clement:**

Is there a need now to...

**The Deputy Bailiff:**

I think on Article 5 technically, yes.

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

Because it is still 3 years now and it does not alter the 3 years of the Code.

**The Deputy Bailiff:**

Well, can we propose Article 5 is seconded? **[Seconded]** Does any Member wish to speak on Article 5? All those in favour of adopting Article 5?

**The Connétable of St. Ouen:**

I think that the President of P.P.C. does have a point, Sir, that in fact there is no need to change the Code if the term of office remains at 3 years.

**The Deputy Bailiff:**

Well, he has proposed it; is that right? I thought you were talking about whether an absolute majority was required, Chairman?

**The Connétable of St. Clement:**

Just in whether the Code of 1771 needed amendment now that we have retained the 3 years...

**The Deputy Bailiff:**

Well, I think technically it still does because from memory the Code says about 3 years from election, whereas now there is going to be a fixed election. I suspect you are better off still deleting it to ensure there is no inconsistency between what is now in and what is in the Code. All those in favour of adopting Article 5 kindly show. Those against. Article 5 is adopted. Now, do you want to propose Articles 6 and 7 together, Chairman?

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

Yes, please, Sir. Article 6 amends the Police Force (Jersey) Law to consequential upon the change of the provision for election of Connétable and is also taking the opportunity to make revision for the Senators Terms of Office (Jersey) Law 2007. Article 7 merely gives some authority to the Royal Court to order an election according to this law, but more importantly it prohibits a person standing as a candidate for election both as a Senator and as a Constable at the same time, Sir. I propose Articles 6 and 7.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on either of those articles? All those in favour of adopting Articles 6 and 7 kindly show. Those against. Those 2 articles are adopted. Do you propose Article 8 then, Chairman?

**The Connétable of St. Clement:**

I propose Article 8, Sir.

**The Deputy Bailiff:**

Seconded? **[Seconded]** I hear there is a consequential amendment again from Deputy Gorst, so I ask the Greffier to read the amendment.

**The Greffier of the States:**

On P.15 Article 8(7) for the year "2012", substitute the year "2011".

**1.9 Deputy I.J. Gorst:**

As you rightly pointed out, this is a consequential amendment simply changing the year from 2012 to 2011. Thank you.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the amendment? All those in favour of adopting the amendment kindly show. Those against. The amendment is adopted. Does any Member wish now to speak on Article 8 as amended? All those in favour of adopting Article 8 as amended kindly show. Those against. Article 8 is adopted. Do you propose Article 9, Chairman?

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

I propose Article 9, Sir. That is a citation to the Law and to be brought on the particular day.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on Article 9? All those in favour of adopting Article 9 kindly show. Those against. Article 9 is adopted. Do you propose the Bill in Third Reading, Chairman?

**The Connétable of St. Clement:**

Yes.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Very well, all those in favour of adopting the Bill in Third Reading kindly show. Those against. The Bill is adopted in Third Reading.

**2. Draft Employment Relations (Registration) (Jersey) Regulations 200- (P.186/2007)**

**The Deputy Bailiff:**

We come next to the Draft Employment Relations (Registration) (Jersey) Regulations - Projet 186 - lodged by the Minister for Social Security. I will ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Employment Relations Registration Jersey Regulations: the States, in pursuance of Articles 8, 9, 10 and 27 of the Employment Relations (Jersey) Law 2007, have made the following Regulations.

**2.1 Deputy P.N. Troy (Assistant Minister for Social Security - rapporteur):**

These Regulations make provision for the registration of trade unions and employers associations under the Employment Relations (Jersey) Law 2007. That Law will come into force on the 21st of this month and our intention is to provide a simple procedure that is not so detailed as to deter unions and associations from registering. As the Law comes into force on the 21st of this month it is important that we get this through the Assembly today. The Law already sets out the basic information that must be provided by a trade union or employers association in order to be registered including its name and address, the names of its officers and a copy of its constitution. The Law also provides that registration may only be refused or cancelled on limited grounds such as because the name of the union or association is the same as another registered union or association or if the union or association ceases to exist. Appeals against the decision of the register must be made to the Royal Court, however it is anticipated that it would be very rare for an application to be refused or cancelled. The administration of Jersey's Register of Trade Unions and Employers Associations will be undertaken by a registrar who will also make the register available to the public. The prescribed information is considered to be adequate for the purpose of maintaining a public register without being so prescriptive as to restrict applications. Preparations are under way in order that all trade unions and employer associations that currently exist or are represented in Jersey may be registered within the minimum of difficulty within January 2008. A number of bodies have already been contacted during December - 48 in total - and have been sent copies of the forms which are attached as a schedule to this document and the copies have been sent to them in order that they may register if appropriate. Feedback so far suggests that the procedure is not considered to be a burden and I would ask Members to approve the Regulations. I make the proposition.

**The Deputy Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the principles of the Regulations? No? Very well, all those in favour of adopting the principles kindly show. Those against. The principles are adopted. Deputy Breckon, I think this is your Scrutiny Panel?

**Deputy A. Breckon of St. Saviour (Chairman of the Health, Social Security and Housing Scrutiny Panel):**

No, Sir.

**The Deputy Bailiff:**

Very well, Deputy. Do you wish to propose the Regulations *en bloc*, Deputy?

**Deputy P.N. Troy:**

Yes, Sir, can I propose the Regulations 1 to 5 *en bloc*, including the Schedule, Sir.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on any of the Regulations or Schedule? Very well, all those in favour of adopting the Regulations and Schedule kindly show. Those against. They are adopted. Do you propose the Regulations in Third Reading?

**Deputy P.N. Troy:**

Yes, Sir.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading?

**2.1.1 Deputy G.W.J. de Faye:**

Very briefly I would like to thank the Assistant Minister for putting these matters forward on behalf of the Minister who is not with us obviously. I understand a number of Members have received the communication today from the Minister, also thanking the Assistant Minister. It did conclude saying: "Feeling guilty in Barcelona." I am sorry to hear if the Minister has fallen foul of the Spanish authorities. It is not clear on what score, but I do have experience of comparative legal studies and I am prepared to offer advice if the Assistant Minister thinks it is appropriate.

**The Deputy Bailiff:**

Very well, all those in favour of adopting the Regulations in Third Reading kindly show. Those against. The Regulations are adopted in Third Reading.

### **3. Jersey Police Complaints Authority: appointment of members (P.196/2007)**

**The Deputy Bailiff:**

The final item of public business is the Police Complaints Authority: appointment of members - Projet 196 - lodged by the Minister for Home Affairs. I will ask the Minister to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion, in accordance with Article 2 of and the schedule to the Police (Complaints and Discipline) (Jersey) Law 1999; (a) to reappoint the following as a member to the Jersey Police Complaints Authority for a further period of 3 years, Mr. Thomas Lindsay Slattery, (b) to appoint the following member to the Jersey Police Complaints Authority for a period of 3 years, Advocate Deborah Jane Lang.

#### **3.1 Senator W. Kinnard (The Minister for Home Affairs):**

This proposition is really to reappoint one member, Mr. Thomas Slattery, who has acted as the Deputy Chairman of the Police Complaints Authority and also to appoint the new member, Advocate Deborah Lang, for a period of 3 years. The report itself gives a short résumé of the candidates' experience and credentials which I am sure Members will be impressed by and we are fortunate indeed, Sir, to have individuals of such calibre who are prepared to serve the Island in this honorary capacity. I am very grateful to the Chairman and to all of the members of the authority for their professionalism and dedication to their task. I make the proposition, Sir.

**The Deputy Bailiff:**

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

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

Yes, can I say I welcome the introduction of a lawyer on the Complaints Authority because I think it adds to the Complaints Authority by having someone of an inquiring mind. However, I am concerned about the whole general role and impartiality of the Police Complaints Authority, itself, and what these 2 members are going to go into, Sir, or one new member and the other member already in it. My concern, Sir, is about looking at the credibility of the Police Complaints Authority and I say that, Sir, because I want to draw Members' attention to the R.27 - the Annual Report. I think it is time possibly that the Minister might consider having a review of the Complaints Authority itself because the role, I do not think, is quite clear to the general public and also to Members. My concern is that the Authority supervised 30 cases last year. Not last year - we have not got reports for last year. We have got reports for 2005 and 2006 and of those, there were 30 in 2005 and 30 in 2006 and of those complaints supervised, half on both occasions - well, 14 of the 30 in 2005 and 15 of the 30 in 2006 - were withdrawn. One has got to ask one why were such a large number withdrawn and of the 30 of each year in 2005 only 2 complaints were substantiated and in 2006 none, Sir.

### **Senator F.H. Walker:**

Sorry, Sir, could I just raise a point here that this debate surely is not about the role of the Complaints Authority. This is about merely whether or not we appoint 2 members to it. I would have thought if there is a question about the role and the approach of the authority that is a matter for another subject.

### **The Deputy Bailiff:**

I was giving the Deputy a certain amount of latitude.

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

Now, with respect, Sir, Members have very little opportunity to debate issues which are like this which come under the Complaints Authority. We are now to be appointing 2 members to a body which I think is about time it is reviewed and, as I say, I am producing figures here which show that there is a question mark about the credibility and the confidence in the Authority itself, and also in the complaints procedure and also the concern that the people have when they have to make a complaint against police. I am speaking, Sir, as someone who has considerable experience of policing as someone who has had people complain against and also have had investigated complaints, and I am questioning really whether it is time that the Minister gives serious consideration to the role and the structure maybe of the review body itself - the complaints body - and whether it is time where we could give consideration to how complaints are made and investigate it, not only by the police officers, but also the closeness of the involvement of those supervising it. Is that impartiality such that gives or inspires confidence for the people out on the street to make a genuine complaint and hear that their complaint is going to be listened to. That is my point, Sir.

### **The Deputy Bailiff:**

Does any other Member wish to speak on this?

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

Just one short question, Sir. Is the member who is to be appointed, an additional member or are they replacing someone who has stood down, Sir?

### **The Deputy Bailiff:**

As I understand it from the proposition, there is one reappointment and one - well, it is not clear. We will ask the Minister. Does any other Member wish to speak? Very well, I call upon the Minister to reply.

### **3.1.3 Senator W. Kinnard:**

If I can deal with perhaps the second query, first. It is just a replacement member. We, in fact, have a Chairman and 6 members of the Authority and I think it is a replacement for Mr. Derek Le Maistre who has retired or Mr. Peter Holliday. There has been a change, but it is a replacement, not an extra member. Sir, in relation to the comments made by the Deputy of St. Martin, can I first of all say that I have been questioned a number of times on this very issue in this House at great length, both orally and also, I think, in written answers and of course it is open at any point for any Member to bring a proposition. I have also, I know, had a lot of communication by e-mail with the *Jersey Evening Post* on this matter and indeed I think I have copied some of that correspondence to Members giving all of the details about the nature of the Jersey Police Complaints Authority, its role and also comparing that with other police authorities in other jurisdictions. I am quite happy, Sir, to reissue all of that correspondence again for every Member for their consideration, which I will arrange to have done so later today. In terms of the number of complaints, Sir, and for those numbers which are substantiated or not, it follows a pattern again very similar to other jurisdictions where a number of complaints from time to time may be vexatious or maybe an individual makes a complaint, perhaps is involved in some sort of a fray and thinks later on that they would rather withdraw that complaint because there is perhaps C.C.T. (closed circuit television) evidence that in fact their role was not quite the innocent one they purported it was in the first instance. So, there are all sorts of reasons why complaints might be withdrawn. But, Sir, I am very concerned at the kinds of comments made by the Deputy of St. Martin about upstanding individuals in our community who are highly thought of who are very professional and quite clearly of independent mind and it is difficult enough, Sir, to get people to serve on the various bodies that we ask members of the public to serve on in this House without casting aspersions upon their character and their professionalism with no justification whatsoever for doing so. So, I disassociate myself completely from those dreadful comments that were made by the Deputy of St. Martin in relation to individuals serving in this honorary capacity. They do an excellent job. They do a very professional job, Sir, and I wholeheartedly give them my support and I hope that Members will do so by approving this proposition. Thank you, Sir.

### **The Connétable of St. Ouen:**

On a point of order, Sir, and I hate to do this to the Minister, but if the advocate is replacing a member who has retired, surely this should be the occasion when that particular member is thanked?

### **Senator W. Kinnard:**

Yes, indeed, Sir. In fact I think I should have done so. I cannot quite put my finger on which one it should be, but clearly I would have done so as I had thanked all of the members generally, and I do apologise to the individual concerned if I have missed him out individually. But I am more than happy, Sir, to say that these are all excellent individuals and I am very, very pleased to make the proposal for the 2 appointments here today.

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

Could we have the appel, Sir. I find it difficult to approve the appointment of people to a body that does not work very well.

### **The Deputy Bailiff:**

The appel is called for then in relation to the proposition of the Minister. I invite Members to return to their seats and the Greffier will open the voting.

### **POUR: 41**

Senator S. Syvret  
Senator L. Norman  
Senator F.H. Walker

### **CONTRE: 2**

Deputy of St. Martin  
Deputy G.C.L. Baudains (C)

### **ABSTAIN: 0**

Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator B.E. Shenton  
Senator F.E. Cohen  
Senator J.L. Perchard  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. Martin  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy G.W.J. de Faye (H)  
Deputy P.V.F. Le Claire (H)  
Deputy J.A.N. Le Fondré (L)  
Deputy D.W. Mezbourian (L)  
Deputy of Trinity  
Deputy S.S.P.A. Power (B)  
Deputy K.C. Lewis (S)  
Deputy of St. John  
Deputy I.J. Gorst (C)  
Deputy of St. Mary

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

### **The Deputy Bailiff:**

So, finally, we come to Arrangement of Public Business. Chairman?

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

I would like to propose the Arrangements of Public Business under M. on the pink sheet, Sir, with the addition on 29th January, P.9 - the Draft Act nulling the Employment Relations Code of Practice (Jersey) Order 2007 - and on 26th February, P.10 - the Draft Goods and Services Tax (International Service Entities) Regulations. They are the 2 additions I would like now to propose the M. with those 2 additions, Sir.

### **The Deputy Bailiff:**

Does any Member have any comment?

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

Yes, this is really just an advance notice to Members on P.194 on 26th February. It is likely that my Scrutiny Panel will be carrying out a review of the establishment of the Jersey Enterprise Board. I have spoken to the Chief Minister informally about it and it is therefore likely that we will be asking for a delay before that one comes to the House to enable us to carry out a review, Sir. That is that one. The amount of time is unclear to me at the moment, but I would just suffice by saying that as always we will do our best to complete that review as absolutely as quickly as possible and obviously I know that I can rely upon the co-operation from the Chief Minister's Department to enable us to do that with everything that we will need to do. That is the first one, Sir. The second one is the treatment of G.S.T. (Goods and Services Tax) for Financial Services Regulations. Similarly, Members will know that we are already in the midst of our G.S.T. review and thankfully the treatment of financial services of the Regulations which deal with that, will be the final in the series of 5 reviews and reports that we will be doing. I hope that we will be able to do it in time for then, but I would just again bring Members' notice to the fact that we will do our best, but if we do need a short delay then we will need a short delay. But it will be only a short delay. Thank you, Sir.

**4.1.1 Senator F.H. Walker:**

May I comment on that, please? I have to say, first of all - and I told the Deputy this yesterday when he approached me - that I am very disappointed that Scrutiny have waited so long before deciding to scrutinise this proposition. It has been in their possession for a considerable length of time; we are talking a number of months. Sorry, the Enterprise Board proposition has been in their possession for a very considerable length of time, but I nevertheless have agreed with the Deputy and indeed the Deputy of St. Peter, who I understand is likely to be leading the Scrutiny Sub-Panel, that we will defer the proposition to allow Scrutiny to do their job, but on an understanding, I believe, that their work should hopefully be completed by the end of March. But I will reiterate my disappointment that this Scrutiny job has not been done earlier in the process and we have to wait until we are on the eve clearly of a debate before a decision is taken to undertake the work.

**The Deputy Bailiff:**

Can I be clear Chief Minister, that you are therefore proposing the deletion of or accepting the deletion of P.194 from 26th February?

**Senator F.H. Walker:**

Yes, Sir.

**The Deputy Bailiff:**

So we strike that out.

**4.1.2 Deputy S.C. Ferguson:**

May I make the comment that it was unfortunate that the Council of Ministers did not bring the proposition until just before Christmas. I think it was lodged on 19th December when many members were out of the Island and many Members were obviously on their Christmas holidays, as I do understand the Chief Minister was as well. Not that we begrudge him a holiday, but it did come in rather late and there is a 2 or 3 week gap over Christmas where people do not perhaps pick things up. Therefore, I think his criticism is somewhat unkind of Scrutiny and I think the point should be made, Sir.

**The Deputy Bailiff:**

Now are there any other observations in relation to the business?

**4.2 Deputy P.N. Troy:**

Yes, Sir. Sorry, when the Chairman of P.P.C. mentioned a date for P.9 - there was a lot of noise, Sir - I could not hear the date that was given?

**The Deputy Bailiff:**

29th January was my understanding.

**Deputy P.N. Troy:**

29th January. Yes, well, the Minister is not here, Sir, but I think the Minister will be on the Island at that time. Well, I will accept that date for the moment, Sir.

**4.2.1 Deputy G.P. Southern:**

You say, accept this date for the moment. It is on that date because the Order comes into force early in February and if we are to discuss the very serious issues that lie beneath those Orders we have to debate this at the next meeting.

**4.3 Senator Perchard:**

I ask this question through the Chair of the Minister for Treasury and Resources, Sir. It has been widely reported by the media that the sale of Jersey Telecom may be delayed yet again, yet it is lodged for debate on 12th February which is in just over 3 weeks' time. Could we be provided with some clarity of the situation?

**4.3.1 Senator Le Sueur:**

I mentioned in an answer to Deputy Baudains at the start of this week's session, Sir, that I aim to have a response within the next 2 weeks, certainly in good enough time that at the next sitting of this House we can decide whether that date of 12th February stands or not and I will report back to the House at the next sitting.

**The Deputy Bailiff:**

Very well. No other observations? So are Members content to agree that programme as set out in the paper as amended by the Chairman? Very well, that is adopted. So that concludes the business of the Assembly and the Assembly will...

**Deputy J.A.N. Le Fondré:**

Sorry, just a point of clarification, is the Chairman of P.P.C. not going to give us an indication of how long the next sitting will be?

**The Deputy Bailiff:**

He is indeed, yes.

**The Connétable of St. Clement:**

I would think it would take no more than a day, Sir.

**The Deputy Bailiff:**

No more than a day. Very well. So that concludes the business and the Assembly will reconvene on 29th January.

**ADJOURNMENT**