

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 10th SEPTEMBER 2009

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

PUBLIC BUSINESS – resumption

The Bailiff:

There is just one matter which I can mention to Members: a question was raised yesterday on the deadlines for question time if the Assembly were to sit on the Monday in 2 weeks' time. Written questions would have to be delivered by 9.30 a.m. tomorrow morning; oral questions by Wednesday, 16th September at 12.00 noon, in other words, next Wednesday at 12.00 noon. In fact, I think it was agreed we would discuss that matter at the end of this morning.

1. Composition and election of the States: single election day each year (P.109/2009)

The Bailiff:

So now we return to the Order Paper and Public Business and the next matter on the Order Paper is the composition and election of the States: single election day each year - P.109 - lodged by Deputy Le Fondré. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that, notwithstanding any other reforms relating to the actual composition of the elected membership of the States that may be agreed by the States, all elected Members of the States standing for election in any one year shall, with effect from 2011, be elected on one single election day in that year, with the exception of any casual vacancies arising that need to be filled through a by-election; (b) to charge the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the proposal.

1.1 Deputy J.A.N. Le Fondré of St. Lawrence:

I think we have had a fairly long week so I shall try and keep this as short as possible. **[Approbation]** I hope I get a suitable response at the end of the speech as well. In the nearly 4 years that I have sat in the States, we have debated items relating to the composition and/or election of this Assembly on at least 7 occasions, excluding this week, and for those who have been in longer, it must be into double digits, I would imagine. As we have seen this week, it is very difficult to get a consensus as to what is the preferred route and I came to the conclusion that the only way to achieve change is in very small steps. I believe it is a case of evolution and not revolution as being the way forward. Personally, the reason for seeking change, I think, continues to be borne out by the fairly low turnouts that occur during elections; that has to be one of the fundamental starting points. I believe that the data included by P.P.C. (Privileges and Procedures Committee) in their report does give indications as to what can concede relatively uncontentiously as regards the electoral process. P.P.C. state that there is a fall in voter turnout between the Senatorial elections and those for Deputy and that is clearly the case. Conversely, if Members look at the analysis of voting during the 2008 October elections which were votes for Senators, Connétables and for the Referendum, it is noticeable that every Parish with a contested election for Connétable had an increase in turnout. That, I do not think, can be disputed. Now as I was completing this speech, I came across a quote, oddly enough, from the *Los Angeles Times*, about local elections and in 2007 their turnout was a paltry 11 per cent. One of the reasons cited, it stated, obviously this is a newspaper article: "City elections follow directly on the heels of far sexier general elections in November (in the U.S. (United States)) of even-numbered years." The result, in their words, and this is the point that struck home was: "Election season feels like hockey season. It never ends." That is the problem of voter fatigue of a perception that the election period was just too long and, in particular, people just switch off. I want to see some change, and I believe the public want to see some change, and that was made fairly clear to me during the elections but no one can agree on the specifics of that change. However, if Members look at the P.P.C. MORI polls, if Members speak to people, one consistent thread, in my view, is to have a single election day,

ideally, for the whole Assembly. But, again, as we have seen, unless one starts to deal with the change in types of Members, *et cetera*, that cannot easily be done. However, I believe my proposition is fairly close to what I believe the public wants, i.e. elections on the same day; not this present system whereby we have Senators and Connétables on one day and then the Deputies, as the also-rans in a way, 6 weeks later. Interest falls, turnout falls and, in my view, democracy does suffer. Now I am not suggesting a radical monumental change. I am proposing something which I believe the public want and something that is consistent with my election platform. The proposition specifically does not interfere with the classes or categories of Member, the terms of office or the numbers of Members; it is one small step forward. It quite deliberately does not change the pattern of the rolling terms of office for Senator, i.e. electing 6 and then 3 years later electing a further 6. I would suggest that we need to get to the main principle adopted and implement it and if this is remaining an issue, we would come back and deal with that separately if that is still considered necessary. If Member support changed, they should not have any difficulties supporting this proposition, in my view; logistically it is not difficult to implement. It is not significantly different from the system we already have but I believe it will improve the interest in the electoral system. In 4 Parishes in 2008, the public have demonstrated their ability to deal with 3 separate votes on the same day: for Senators, for Connétables and for the referendum and the Parish systems coped as well. This would be one day, once every 3 years. Our experience in St. Lawrence, I have to say, was of a system that worked well and it coped with 2 sets of hustings and it did increase voter turnout and the other Parishes had more success. As matters stand, we cannot agree on revolutionary change. We have tried it time and time again, particularly in the last 4 years, and I hope Members will recognise this proposition is what I would consider to be a sensible opportunity to take a step on the evolutionary road of reform and I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Yes, Deputy Hilton.

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

I just stand to say that I wholeheartedly support Deputy Le Fondré's proposition. I think it is what we need and I hope he is successful today. Thank you.

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

Hooray, hooray, one small step, one has to think of the famous words: "One giant leap." Now this may be a small, bite-sized chunk of what I think this ought to achieve; it is the mainstay of what we will be looking for for 3 or 4 years. I have a statutory concern with debates on reform but this is something which is achievable; this is something which is achievable here, now, this morning. Do not get bogged down by the numbers, we have dealt with multiple elections in the past, so if anybody stands up and says: "What about nomination days?" we have done it in the last election, it is feasible to have split electoral rolls, we have achieved it, the Parish Deputies have achieved this, it has to be successful; so stand behind this one, ladies and gentlemen, and vote. Let us get that 27 needed and I will support this right the way to the end. Thank you. **[Approbation]**

1.1.3 Deputy D.J.A. Wimberley of St. Mary:

This proposition is superficially attractive, and I assure Members this will be brief. It is a simple proposition and it does not need long explanations. As I said, it is superficially attractive. He talks about some change which, of course, sounds nice. It is not radical, he tells us, and a single general election day is popular, which it is. But it does have ramifications and he admitted that in his speech, and P.P.C. correctly in their response point out that this is piecemeal reform; it is diddering away at the edges as if there are no consequences. So, the first point I want to make is that it is piecemeal and that does trouble me, and it should trouble us, that we are trying to do wholehearted reform of States electoral procedures by tinkering at one little thing at a time and I will show you

what that is going to bring in a minute. The second question, and I ask this to the proposer, I would like him to tell the House whether this is an unintended or an intended consequence of this proposition. I will put the consequences and then he can tell us later whether it is intended or unintended. This proposition, in my view, is a Trojan horse which will destroy the Island-wide mandate. That is what it is **[Interruption]** ... well, I am going to explain that; how this will work, how this will pan out. You see, this is the thing of thinking a little bit ahead as to how this will work. If Deputies and Senators are elected on the same day, which is the situation now, we have rejected all the amendments yesterday, we rejected ...

Deputy J.A.N. Le Fondré:

May I assist? The reason the Deputy is corrected is the Deputy said: "If Senators and Deputies are elected in the same day" but the position now is that Senators and Connétables are elected on the same day.

The Deputy of St. Mary:

Yes, I said correctly that this House rejected all the amendments yesterday; I do not think we approved any of them, did we, so I do not quite understand? We rejected all the amendments yesterday and we rejected the proposition. So the position as it now stands is that we are in the *status quo* and this proposition seeks to move that *status quo* and change it a little bit. The *status quo* would be, allied to this proposition, that Deputies and Senators would be elected on the same day. You then have removed the step-up option. Now I know that the step-up option is not popular when it happens in the same year, like, for instance, if Deputy Southern and Deputy Ferguson and Deputy whoever else there was on the hustings last year **[Interruption]** ... no, I am talking about last year. If Deputy Southern and Deputy Ferguson and Deputy Maclean had not had the option of standing for Senator then we would not have Senators Ferguson and Maclean because they would not have taken the chance. They would not have been able **[Members: Oh!]** to come back to the Deputy election. People do not get it; I will have to say it again, then. The way things are at the moment, what happened last year, and what will happen in 2011 if this proposition does not go through, and if none of the other propositions about electoral reform go through - which seems to be quite likely - if we stay as we are we will be in the situation of 2008. What will happen next time around is that Deputies will have the option of running for Senator as they did in 2008. **[Interruption]** I am quite happy to give way to clarify something.

Deputy A.E. Jeune of St. Brelade:

Just on a point of clarification, is the Deputy of St. Mary just trying to say to us that what it does not allow is 2 bites of a cherry? Thank you.

The Deputy of St. Mary:

I thank you for that little speech. **[Laughter]** The situation, if we go ahead with the present situation in 2011, will be that Deputies will be able to stand for Senator as they did in 2008 and then if they do not manage to squeeze-in - Deputy Southern got seventh place - but 2 people did get in ... in fact, 3, Deputy Breckon, of course, so that is 3. Our Senatorial benches have been enhanced by 3 people choosing to attempt the Island-wide mandate. Now if we want to throw that away and say: "They are just the same as everybody else; they did not need to bother" then we are throwing away what the public want. I come back to this: that Island-wide mandate ... I see lots of nodding of heads which shows that there is something going on here; there is definitely something going on here. But the fact is that if we go for this, then we have removed the option of Deputies to stand for Senator. **[Members: Oh!]** Oh yes, we have. Well would somebody like to explain as a point of clarification as I go along, because it is much better to do it like that?

The Bailiff:

Members can explain any clarification in their own speeches later, I think. The Deputy of St. Mary, if you continue with your comments.

The Deputy of St. Mary:

So what happened last time was a number of Deputies stood for Senator - and I think that is quite right - and I think that the public want the 2-tone Assembly; they want the wider mandate. The way to ensure that is to have an option, a way of achieving this, and at present that is the fact that you can stand for Senator and then if you fail in your attempt to be Senator, then you can still stand for Deputy. Now I know that that is not particularly popular with the electorate, as Deputy Jeune pointed out; there is a gripe that in the same year people have "2 bites of the cherry" and that is seen as some kind of disadvantage of the system we have now. Which is why, in my proposition in a month's time, I have removed that 2 bites of the cherry in the same year because people do not like it, and there are other reasons for the way I have arranged my proposition. But as things stand, the effect of this proposition is to make all elections in 2011 on the same day. Now in principle that sounds attractive, as I said at the beginning. It sounds attractive. But what it will do is it will make the Senatorial elections very, very weak; it will only be newcomers. Very few Deputies will chance their arm. I can see Eddie Noel shaking so perhaps the Deputy of St. Lawrence, Deputy Noel, is going to try for Senatorial next time, knowing that he has no second chance. If he fails, he is out of the States. **[Interruption]** Well we shall see. I just do not think that is what the party want; I do not think it is desirable. It is not desirable but I can hear from the comments that this is very cleverly worked out and, as I said, I am going to ask the Deputy to explain whether this is an intended consequence or an unintended consequence. This is not what the public want.

Deputy I.J. Gorst of St. Clement:

Would the Deputy give way? I wonder if the Deputy could explain if that is not exactly the current situation that stands when one stands for the Deputorial office.

Deputy M. Tadier of St. Brelade:

Can I also seek a point of clarification? I think it would help the Assembly at this point, because I have similar issues with this proposition, and it is really **[Interruption]** ... I think it would help the Assembly. I do not want to wait 10 minutes to ... and it is up to the Deputy of St. Mary whether he wants to ...

The Bailiff:

Is this a point of clarification, Deputy?

Deputy M. Tadier:

It is, Sir, and if people would bear with me. I think the issue really hinges on the question of not whether it is a single election date; it is really about the nomination dates and whether somebody can put their name on both the Deputies and the Senators' ballot paper because if that is the case, that is not a problem; technically that is perfectly possible. Is that the intention of Deputy Le Fondré in bringing forward this, or is the intention that you will be mutually excluded from standing for both?

The Bailiff:

I am sorry, Deputy, but that is not seeking a point of clarification about the Deputy of St. Mary's speech.

Deputy M. Tadier:

Well maybe he would like to ask that.

The Deputy of St. Mary:

Well I will add that ...

The Bailiff:

I am sorry, Deputy, just one moment. There is a tendency nowadays among Members to be popping up for ever making apparent **[Approbation]** points of clarification which are in fact just making a point. Now, it is difficult for the Chair because until the Member has spoken, one does not know whether it is a genuine point of clarification or not. But I must ask Members to remind themselves what a point of clarification is and that was not a point of clarification. Now, Deputy of St. Mary, have you finished your speech, or do you wish to carry on?

The Deputy of St. Mary:

Well I think in view of those interruptions I would just repeat a final comment which is that I want the Deputy who is proposing this, Deputy Le Fondré, to explain whether this is an intended consequence - and I am quite clear that it is a consequence - or an unintended consequence. I also hope that the Chairman of P.P.C. will contribute to this debate. Thank you.

Senator B.E. Shenton:

Could I suggest that if a Member stands up to make a point of clarification and it is not a point of clarification you take it that they have, in fact, spoken on that debate? **[Approbation]**

The Bailiff:

I certainly give notice that if Members continue to do it, I may do this sometime. But I wish to give Members the benefit of thinking about things first. Now Senator Breckon I see next.

1.1.4 Senator A. Breckon:

I do not know if I can follow that; I am not sure what I am following now. But I can say before the Clothier Report, the review of the machinery of government came out, I had a proposition lodged for a 4-year term for Deputies and Senators and a single election day. As Clothier emerged, I was approached: my proposition, because nobody else could do anything similar because mine was in the way, would I withdraw it because Clothier was going to be all-singing/all-dancing reform. So, we all know what has happened to that and those that do not I am sure Deputy Le Hérissier will give you the background in relation to that. I remember Deputies' election day last year and meeting Deputy Le Fondré at St. Lawrence Parish Hall and to say he looked as sick as a parrot is a bit of an understatement because he was well fed-up; it was a case of spot the voter. What he said to me when I went into vote was: "You were right, single election day is what we should do" because the voters were trickling in few and far between because I think there had been a bit of exhaustion and a hangover from the Senatorial vote; I will touch on that in a minute. The reason why - and I have had this in the past when I have gone around and knocked on doors in St. Saviour - people say: "Not you lot again." Well until the last Senatorial election, I had not been in a Senatorial election before, so it was not me, it was somebody else. But they were absolutely fed up with life-size posters, leaflets, media, now websites, and there were exhaustive supplements in the paper, and it was played out. When it came to the Deputies - and I know because I have been there a number of times - we were in a hangover situation where your first job was to convince people to stay interested because obviously then you would have the Senatorial result and it may or may not have been what they wanted but they were exhausted, usually by a large number of candidates. Now other people have mentioned having 2 bites at the cherry and the Deputy of St. Mary mentioned Senator Maclean, Senator Ferguson and I who stood, being Deputies before that. But can I remind the House that the Deputy of St. Mary then was also a candidate in that Senatorial, as indeed was Deputy Maçon, Deputy Trevor Pitman, Deputy Southern, Deputy Tadier and Deputy Higgins. In the past, Deputy Le Hérissier stood before he was elected as a Deputy, Deputy Le Claire has done the revolving door; I think he has done both, as indeed has Senator Le Main. Deputy Lewis has stood in both, for 3 political parties on one occasion, I think. **[Laughter]** The Constable of St. Mary also stood in a by-election for Senator, I believe. So, the Deputy of St. Mary said perhaps the House is richer because of 3 people on this row, but maybe it is even richer because of that and I will not express another opinion; I will just say maybe it is. Now the question

is then should we allow a process to continue that does that? Because, to be honest, if you want to stand for Senator, you need not spend tuppence, you can just do all the media stuff. You need not do leaflets, get loads of publicity, run for a district and there you go, you have thousands of pounds worth of stuff; you could not buy some of that stuff. So what are we going to do about that? It is not just about the people in the positions, it is about who is pulling the stunts, as it were, to do this. Now that is what is behind that. If we have a single election day, what we do is we give the public a choice. When I stood, rightly or wrongly, for Senator, I said if I did not get elected that was it. The public had made a decision and I would abide by that. **[Approbation]** So what happened, happened. But if I had not been elected, that is what I would have done and Senator Ozouf said the same. If we had not been elected we would not have stood anywhere; that was it. I think it has happened before and it is up to our members of the public at the time. But I think what this does for me, it clears that particular hurdle. As Senator Ozouf said, and I said, we were not going to stand again if we did not get elected. Now as it happened, we did, but if Members said that then that is up to the public to decide. If a Member of this House is a Deputy and they seek this promotion; I do not see it that way, it is a 6-year term. But as we sit and stand here we have the same voice, the same function, the same vote and the workload is spread across the House; across the Connétables, the Deputies and the Senators, so when we are in here it is, not necessarily I would argue an elevated status, we are on the same status. But I think the public would enjoy a single election day because they would then believe it would make a difference. They would see that as a general election. I know it is a bite-sized chunk, but it is the only way we are going to do this because the difficulty is with P.P.C. - they have my sympathy - it goes back not just to the present P.P.C., the previous one and the one before that. When you put together a composite of things to do, it is a bit like, and I mentioned it to the Connétable of Trinity yesterday, Sunday trading. Everybody says: "You must change it." But when you suggest what to do: "Oh, but do not do that." I think the electoral reform thing is very similar from that aspect and this, although it is one small step, I think we need to take it and we need to take it now. There are pros and cons and I have the greatest respect for everybody that stood in that Senatorial election and what they did after that, because people worked hard and everybody who is here at the moment is here on merit and there have been revolving doors and people have come and gone. But having said that, I believe this is a small step, but a very important one, and one I think the public will appreciate and hopefully it will generate enough interest so that we do get a bigger turnout, and I do not think for one that it will erode the Island-wide mandate. People still want that. If people stand, whether they have been former Members or existing Members and they are standing again, or they are standing for the very first time, then I think that is good and healthy if we have that mix. If people do not get in, then they will go away and do something else because there must be a life after this, especially when we have debates like yesterday. Thank you.

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

All the times that I have been in the States since 1999, I have been listening to proposals for changing things, to improve things and every time we come back to concessions or rather successions of piecemeal proposals that come up. P.P.C. have been charged and in this last session I am a member of P.P.C. I was hoping that we were going to have a comprehensive discussion, which we did, but with only 10 votes yesterday to 38, it is clear that this is not going to move forward in this session in a comprehensive manner and I very much doubt in the foreseeable future that we are going to ever achieve anything other than debate. I do not like piecemeal, I will be honest with you, but I recognise that we have to get it out of the system and therefore I would vote for this proposition to come back to P.P.C. and give it, I think, probably this proposal because it is popular with the public; the 4-year proposal which is popular with the Members and some of the public, and see if we cannot bring something forward. Yes, there will be drawbacks. It will not stop the people that want a soapbox. They will still be able to stand on the Senatorial election and voice whatever their chosen subject or subjects are and the same with the Deputies. The drawback, as already been said, is you will not have 2 bites of the cherry. Well the Deputies do not have 2

bites of the cherry and maybe if people know that they do not get 2 bites of a cherry, they might have the opportunity of putting a little more into it or recognising that maybe it is not for them as far as the public is concerned. I am going to leave it at that. Thank you.

1.1.6 Deputy M. Tadier:

Thank you for allowing me my second speech. This House makes me sick. That got people's attentions, did it not? Now the reason I asked for what I believed to be a very valid point of clarification was because we are all going around in circles with the speaker before me - and that is no disrespect to the Deputy of St. Mary - and I think we needed clarification. Now whether Standing Orders allow me to do that or not, I guess is a problem of the system and it was quite a genuine intervention on my part. The reason I wanted to know is because I believe that the accusation that this is a Trojan horse is, in fact, correct. I had written it separately from the Deputy of St. Mary on my sheet and so it is quite apt that he brought that up. What we need to know before we go on, and I will ask this as a point of clarification, and hopefully I can carry on with my speech after that if Deputy Le Fondré is willing to answer it: is this proposition going to stop people from standing for Deputy and Senator? Is it intended to that? Because it was presented on the guise of simply ...

The Bailiff:

It is entirely a matter for the Deputy. Normally he would deal with it in his response.

Deputy M. Tadier:

But I think it will be helpful for Members now.

Deputy J.A.N. Le Fondré:

I think I better do it in summing-up. Thank you.

Connétable L. Norman of St. Clement:

I really think it would be helpful if the Deputy could explain now [**Approbation**] because the report and proposition is silent as to whether a candidate can put his name forward for one, 2 or 3 posts and I think it would help the debate if we knew what the intention was.

The Bailiff:

It is a matter for Deputy Le Fondré entirely.

Deputy J.A.N. Le Fondré:

The short answer is, as with pretty well any other reform that P.P.C. have brought forward which mentioned anything about general elections days, I would imagine that it would be the same position as the Senators and Connétables at the moment. To refer, particularly members of P.P.C., to the Public Elections (Jersey) Law 2002, Article 18(2), that Article applies to Senators and Connétables and I would assume that Article would be applied to Deputies as well. The provision, if I remember correctly, is that a candidate standing for Senator or Constable can stand for one position but not both. Therefore, as far as I am concerned, it is not a conspiracy or anything on those lines, I think it has to be a consequence of having elections on the same day because otherwise it would be pretty obviously chaos; people must know who they are voting for. Does that clarify matters? Thank you.

Deputy M. Tadier:

I do thank the Member for the clarification and I think that is also a logical conclusion that one would have to come to. That is why I asked for it at the beginning because we made several speeches and there was no clarity about that point and I think it is more sensible to have more information at the beginning rather than having it come out at the end when nobody can make speeches any more. I do not appreciate the petty interventions from the Senator Back-Benchers

about not being able to speak twice. I would remind people that I am a relatively new Member; I do not do these things on purpose. I am a pragmatist and if I can stand up and try and help the Assembly in any way, I will, and I am fed up with this school-ground politics. That is no disrespect to the Chair because I know the Chair is impartial and I do have the utmost respect for him. Let us move away from the double-standards and the group thing. When I talk of double-standards, we hear one of the Constables stand up saying: "We must all get behind this" but there was no will to change anything yesterday, but today we must all accept this. Why is this a Trojan horse? Let us look at the current system. It is not to do with voter turnout. If it were to do with voter turnout, then Deputy Le Fondré would be proposing that the Council of Ministers inspire people to vote and that they do not waste millions of pounds as we heard yesterday; that is what puts people off from voting. It is their sheer incompetence and the fact that this system we have bears no resemblance to the way in which people vote. So you vote for one person, they get in all on minorities in their own district; they vote for somebody. We vote for Ministers, a Chief Minister, and they have absolutely no real say in who gets into government. That is the real reason that there is no turnout, so this is a completely spurious argument that this would increase voter turnout in any significant way. What we need is fundamental change in our system, we need representative politics if we are going to get people to come out and vote. Nobody in here is nodding their heads but people on the radio at home, they are nodding their heads, but you cannot see them. That is because we do not represent the public any more; we are simply representing our vested interests, apart from the 14 or 18 of us who try and do what is right for the people of Jersey. **[Members: Oh!]** Of course, we all try and do what is right for the people of Jersey but we all represent different interest groups, do we not? Why is it important to have 2 bites of the cherry? But, in fact, it is not 2 bites of the cherry; it is a single bite of 2 different cherries, is it not? Because yesterday we decided that we are not all equal. We need Constables, we need Senators and we need Deputies, so presumably if we have argued that we do not need one kind of States Member, that means that there is a difference between all 3 of the roles, is there not? There must be. So, therefore, these are 2 different jobs. Now if you were in the private sector or, indeed, in the public sector, applying for a job and you went for one job to get into, let us say, Immigration, and you wanted to become the manager of a department and they said: "No, I am sorry, your application has been refused" it would be completely stupid then 3 weeks later if there was another job opening, would it not, for assistant manager to come up and they said: "No, I am afraid you cannot apply for this job because you are having 2 bites of the cherry." That means people would not ever go for managerial positions. This is exactly what is happening here and it is not because people are having 2 bites of the cherry, so to speak, it is those who get in as Deputy after they have stood for Senator. It is the fact that these are progressives, these are people who do not worship at the Altar of Mammon like our Council of Ministers; that they want to represent the people. There have been occasions in the past when, indeed, Senators here have tried for Senator and not got in. I think of Senators Le Main and Le Claire, I believe that is correct; you have both attempted Senators in the past, you did not make it and you went back to your seats ...

The Bailiff:

Through the Chair, please, Deputy. No remarks directly to Senators.

Deputy M. Tadier:

Quite correct. These Senators, they have stood for Senator in the past, not got in, gone back to their seats as Deputy and it was Deputy Le Claire, sorry, who used to be a Senator. So, in fact, what this proposition does in a very underhanded way is it stops any interchange. Now I think the Deputy of St. Mary, with due respect, had some difficulty conveying his ideas to the House but put simply what it will do, it will stop members of the public who have not been States Members before, or who are not currently States Members, from going for the position of Senator because there is no chance of going for Deputy afterwards. What it will allow is very wealthy individuals or people with very high profiles to stand for Senator because they do not need a fallback position, but

ordinary members of society who do not have vast amounts of wealth or who do not have vast amounts of public profile, if I can put it like that, have no choice but to go through the system like that. Some will call that cynical but ultimately it provides a healthy changeover in our system.

Connétable D.J. Murphy of Grouville:

Could I ask the Deputy to allow me to intervene? Can you just tell me what wealth has to do with standing for Senator?

Deputy M. Tadier:

Let me explain, because perhaps it is a difficult concept for the wealthy Members in this Assembly. An election campaign costs you, perhaps, £8,000 to run.

The Connétable of Grouville:

Sorry, it is all limited and capped.

Deputy M. Tadier:

You can spend up to £8,000 ... can P.P.C. give some clarification? What is the current expenditure limits for Senatorial elections?

The Connétable of Grouville:

If you do not know what you are saying, you should not say it.

The Bailiff:

Sorry, we cannot now have a little mini debate. Can you get on with your speech, Deputy? By all means answer the question to the extent you wish to on ...

Deputy M. Tadier:

I did try to give way so that I can provide clarification. The point is, if you have a lot of money, elections cost thousands of pounds and if you want to put big posters up all around the Island to get elected, that costs money. I think that is a given, is it not?

The Connétable of Grouville:

Could I ask if the President of P.P.C. could please tell us exactly what the rules are?

The Bailiff:

I am sorry, Connétable, we cannot have everyone popping up for their one minute ... **[Approbation]** Each Member must make his speech subject to any proper interventions from others.

Deputy M. Tadier:

Thank you for that clarification. This is another example of the double-standards that we have in that I would be shouted down if I make these kinds of interventions, and I am. That is fair enough; that is all the rough and tumble of politics, I guess. Also, it would stop, as we have seen at the moment, Deputies who quite fancy their chances going for Senator, and I am happy to embarrass them. People like Deputy Le Hérissier and the Deputy of St. Martin could have stood for Senator, they could have got in very easily but there may have been other reasons they did not wish to. There may be Members who think they have a 50, 60, 70 per cent chance even of getting in as Senator. They know they have a 100 per cent chance of retaining their Deputy seat and there is no incentive for them, if there is a single election date, to step up to the platform to have promotion in the system, if indeed it is promotion, to do that because they might as well just stick with their safe seat, even more so if we have a single election day. The problem, of course, as I have said, is not the single election day, there would be ways to get around it: you could stand for both positions. Really, we have failed to grab the bull by the horns here. We could have instituted a

comprehensive change; now we are going to try and do it piecemeal which may be inevitable. I would suggest the 4-year term is the first thing we need to get sorted before we go for any general election. You would still have the anomalies of the Senators; that has not been proposed now to get rid of the anomaly. You have 6 Senators who are there for another 3 years without even facing a general election, so this is not a general election by any means. You have this legacy which does not get elected in any 3-year period. Usually the Chief Minister will be appointed from those 3, so he or she does not have to face a general election, and this is completely unsatisfactory. So the Deputy of St. Mary is quite right: this is a Trojan horse; it is not about voter turnouts, it is about vested interests, it is about the fact that too many progressives slip in for what is erroneously called the 2 bites of the cherry which I have said is a bite of 2 different cherries. In fact, we should scrap this and let us all get behind the 4-year term, I think, which will come in the next 3 or 4 weeks. That seems to be the one thing we can all agree on, and let us try and build consensus on that and then I think we do need to throw this out for the reasons I have said. No doubt we will be hearing from the Minister for Treasury and Resources again, who thinks it is completely wrong that dirty working class people like myself get elected not in the correct order. Just one last thing: I think this speech will have lost me a lot of votes but that is the way it works in here; it is school-ground politics. Yesterday I was told simply because I stood up and asked to lift Standing Orders lost me some votes. It was not really my proposition anyway as such, only by virtue of being on P.P.C. Now if this is the mentality that we have of experienced and so-called professional States Members that they do not vote on the principle, they vote because somebody has ruffled their feathers, then that does not bode very well for Jersey.

1.1.7 The Connétable of St. Clement:

I hope Deputy Tadier gets over his paranoia quickly because it is ... Yesterday, we debated having a general election in the amendment that I brought. Deputy Tadier and the Deputy of St. Mary spoke in support of a general election in my amendment and voted for a general election in my amendment. I just wonder what has happened overnight that they no longer feel that a general election is appropriate. I supported a general election, I always have done, and I believe that if I voted against having a general election now, I would be a hypocrite and that is one thing I am not and I will not be. Admittedly, the system is not perfect, there would be 6 Members who would not be part of that general election but that, I am sure, will come when Deputy Tadier's proposals for a 4-year term is brought and, I hope, is successful. But what this will do, and I think it was proven when we had the dual elections for Constables and Senators last year, it encourages and excites the population more than having 3 elections at very odd periods. **[Approbation]** This will excite the population, I am sure, and it will create far greater interest and a far greater turnout at the polls. It is a no-brainer, it is a simple proposition, an advancement on our present system and I urge the States to support it overwhelmingly.

Deputy M. Tadier:

Can I seek to defend myself? I believe that I have been called a hypocrite. **[Interruption]**

The Bailiff:

One moment, it is the Chair that rules on these matters; not other Members. Now, Deputy, you must understand, you cannot defend yourself. People make one speech and then other people comment on your speech and that is part of politics. It is part of the debating procedure; you have to take the criticism. It is only if there is a genuine point of clarification, in other words, because of ambiguity. Now there was no point of clarification, the Connétable was simply commenting on your speech.

Deputy M. Tadier:

Can I ask for a point of order and it is ...?

The Bailiff:

Well if it is a point of order, what is your point of order?

Deputy M. Tadier:

I believe that it has been inferred that the Deputy of St. Mary and I are hypocrites because the Constable of St. Clement said that he had to vote for this because he is not a hypocrite and the fact that we are not voting for it implied that we are hypocrites. Now I can explain very briefly ...

The Bailiff:

Well, I do not consider he implied that at all, Deputy. Deputy Martin.

1.1.8 Deputy J.A. Martin of St. Helier:

Now Deputy Tadier says that this will kill people coming in straight off the streets. Thank you very much. Thank you very much. I am very sorry; you cannot have it both ways. Do we want people in this House who do an apprenticeship through the Deputy seats and then go on to Senators? This system, having a general election, does not stop it. The Deputy of St. Mary keeps whispering in my ear: "This is it. This is it, they are trying to kill Senators, trying to kill the Island-wide mandate" because who would leave their safe seat? There is Senator Ozouf who sat next to me for, I think, one term as a Deputy and then he went on to stand as Senator. Deputy Breckon did many, many years; I think he should have gone for Senator sooner. I think we have one from last time, a Senator who came straight in 3 years ago, which was Senator Shenton and Senator Perchard - oh, and Senator Cohen - which I do not agree with. At the time we did not have limits on expenses and none of them needed to go for the second bite of the cherry. All right, it might be a different cherry as Deputy Tadier says, but it did not do many of them any harm standing in a very, very - as Senator Breckon has already said - well publicised Senatorial. About voter turnout, I have stood now for 4 elections in St. Helier and I duly went down to many of the Senatorial hustings and I was helping Senator Breckon and quite clearly giving out leaflets; I have no intention of denying that. At 2 places, and even at my own Parish, I was locked out. I arrived there at 7.00 a.m. and it was so full because so many people were in there, I could not get into the Town Hall where I represent. I should have arrived there early, obviously, but I was there half an hour early, but because of the previous turnout in the 3 years before, I should have known better; I should have been there at 6.00 a.m., again, where I was locked out. Six weeks later, the St. Helier No. 1 Districts Deputies were having their hustings in exactly the same place. If we attracted 40 people I think we were lucky. Very lucky. It is absolutely ridiculous. Many people who stood in the Senatorials who already had the publicity then can go for Deputy. Now the Deputy of St. Mary is absolutely adamant this will kill it off; that people will not leave so-called safe seats. There are a few safe seats; there are many - and they are always St. Helier, St. Clement, St. Brelade, St. Lawrence - who normally have a contested election. Now if you feel that you have more to offer and you want to go, and it does always seem to pan out, Senator Breckon being the exception, that if you are elected as a Senator, especially with a high majority, you will be considered for ministerial government. I think Senator Le Marquand said all that yesterday that you may not be suitable for people in here. That is another thing we definitely have to look at because we are not elected to elect us; we are elected by people to elect the right people that they want but that is another story. So I cannot see it absolutely killing off Senatorials Island-wide like the 2 Deputies say - one behind me and one still mumbling in my ear to the left - which I fully appreciate. We are all apprentices here; some people have been here a year and we have a new Bailiff sitting in the Chair. You took your apprenticeship through as Deputy Bailiff and sat in the Chair and you always - if the Bailiff had made a ruling - said that the Bailiff has made a ruling and you would not change it. I am certainly not trying to discourage debate, and I sat in this House for at least 6 months before I did more than a couple of speeches, and learnt exactly the procedure. The Deputy next to me, I respect entirely, he works very hard. But when you are having a debate in the House, it is not because people are disagreeing with you, that you have done something wrong, they are disagreeing with your politics; you just carry on. You will always have people disagreeing with your politics. I often have; I just carry on,

I do not, as you say, keep sitting up **[Interruption]** ... it will not be a point of clarification. I think if this does in any way stop people just being able to come in off the street and not do an apprenticeship as Deputy, all well and good; people not having 2 bites of the cherry which absolutely does get up voters' noses. If you are really confident that you have done a good job even in one, 2 or 3 terms and you feel that you want to go to the Senatorial benches, you will go. I do believe Senator Breckon and I do believe Senator Ozouf, if they had not been elected last time around, they would not have stood as Deputy. It was not the job they wanted and I do believe that and I think that is a fair way to go. I really feel it is the way that we need to go; one election. We did not get anything else but I will support this. P.P.C. have said in their comments: "Put it back to P.P.C. and we will get it managed." It will not be that people can stand for 3 categories on one day; it will be for one category on the same day and you take your choice and you take your chance, and if the people do not want you, they do not want you under either or any category. Thank you.

1.1.9 Deputy P.J. Rondel of St. John:

Long before any Member here was elected and, unfortunately, Senator Breckon is not here, but in fact I stood for Senator back in 1975 probably before some Members were even born. **[Laughter]** I stood against what I call the "giants" of politics: Senator Le Marquand, Ralph Vibert, Dick Shenton, Clarrie Farley, Senator Dupré, Jane Sandeman and John Riley. Needless to say, I came last. But I was not deterred but I did say at the time I would not take again for the Deputy seats. I took 3 years later against, in fact, probably the senior Member of the House - he is the eldest serving Member - Deputy Le Main, that he became then, and I lost to him by 4 votes. But that was all a good learning curve. I did not take again until 1994 in an election in St. John for Deputy of which, in fact, I came in and there was an 87 per cent turnout. So you can talk about turnouts of 30-odd per cent. When we do it in the country, we may not always stand and have an election every 3 years, but when there is an election there are big turnouts and we do fill up our Parish Halls. That said, I followed the Senatorial elections and having the most recent election at St. Peter's Community Hall, I saw the 21 candidates standing for office for the 6 seats and unfortunately I did not believe that that particular hustings that I attended, and also the one at St. John, gave the office the time it deserved because each candidate had X number of Ministers to speak and it was a very, very soft election. I think if we are putting people into this House, Senators, even having stood all those years ago, I believe, need an apprenticeship, although I know that we have Members who have not served an apprenticeship on the Senators' benches but those people who are Ministers are very able. Very able. But they stood and they knew full well that if they did not get in they probably would not have gone for Deputy; they would have taken their chance there and then. I think that calibre of person knows when he or she does not make it on that occasion they will step from the frame, because they have been around in life sufficiently to know that there are certain things you do at the right time. That said, I do understand the comments being made by some Members about the 2 bites of the cherry, because a lot of people could not afford the publicity they do get at a Senatorial election. But now that we have a fixed amount that each person can spend on an election, whether it is the Senatorial or the Deputies, it is more of a level playing field. You will not have those people with a lot of money that can afford the big publicity, so it is Hobson's choice. You take your chance: you either go for Deputy, you go for Constable or you go for Senator but in my mind, and I believe this strongly the longer I have been in the House, the people I like to see on the Senatorial Benches, whether they have been a Constable or Deputy, I like to think they have done their apprenticeship prior to getting there. As I say, with the odd exception, as we have seen in the last election when we saw Senator Le Marquand come forward, I believe he did his apprenticeship from within the position he held; that he knew a lot about how the Island worked. Therefore, I was more than happy to support him during his campaign because he was of the calibre of person who knew sufficient about the Island and the way it ran because of his profession and his previous post as a Magistrate. Therefore, I am very pleased to support this proposition of the Deputy of St. Lawrence because it is the way forward and I think P.P.C. will do

good to support this. I hope they do because it is only a very small step as has been said by the Constable of St. Martin but a step that is well worth taking.

1.1.10 Senator S.C. Ferguson:

Very quickly. The public are not stupid and they are perfectly well aware that this particular amendment removes the bolt-hole. In fact I have been lobbied about this, the latest being on the taxi rank this morning as I came in, very much in favour of one election day. In the U.S. elections they have them on one day. On that day you vote for a Senator or 2 Senators, Congressmen and the municipality. If you do not make it in the Senatorials, that is it. You do not have the Congressmen bolt-hole. It is nice to be able to have a fallback position but life is not like that. One small rider to the debate, if this goes through please can P.P.C. look at having it at the weekend? **[Approbation]** Hopefully we can bring back the brass bands. At least in St. Brelade we have the Les Quennevais school band so perhaps we are one jump ahead. The only other comment, I would comment on Deputy Tadier's comment on voting for Ministers and so on. In the United States, nobody votes for the Ministerial positions. They are appointed by the President. So that in fact if this House has the ability to propose and vote for Ministers, we are possibly one step ahead of the U.S. which is possibly one of the oldest democracies. I think this is an excellent proposition and I will certainly support it.

1.1.11 Connétable J. Gallichan of St. Mary:

I hope the Deputy of St. Lawrence will not think I am not trusting what he has told me but I would if I could like to ask Her Majesty's Attorney General can he clarify, please, whether there is any impediment to restricting the number of offices that people can stand for? I know that it is done currently with the Constables and the Senators. But I seem to recall that there was some concern expressed as to how that could be achieved. That it was not necessarily straightforward. I would be grateful if the Attorney General could refresh my memory and confirm the legal position, Sir.

Mr. W.J. Bailhache Q.C., H.M. Attorney General:

Can I just ask the Chairman of P.P.C. for the precise question, please?

The Connétable of St. Mary:

Is it possible to say, if this proposition is passed, that candidates can only stand in one of the elections for Senator, for Deputy or for Constable, which will be held on the same day or whether they can in fact stand for multiple office? Having had that, I would like to carry my speech on after, Sir.

Senator S. Syvret:

May I add to that question before the Attorney speaks? Presumably it would be a legal absurdity if a candidate were to run for 2 or 3 candidates and perhaps get elected as a Senator and a Constable. That could be the outcome of the election presumably. Then what would occur?

The Attorney General:

Sir, I am sorry that I am not able to give immediate help on this. This is a matter where I know that we have given advice in the past. We cannot at the moment immediately lay our hands on it. I have some of my staff looking for the relevant advice at the moment. What I do recall from the occasion is that it is not nearly as easy as it may seem. I want to be quite sure that I do not mislead the Assembly. If I could be given a few minutes I hope to be able to come back with some rather better answers than an on the hoof answer which it will be at the moment.

The Connétable of St. Mary:

I appreciate the Attorney's candour and of course I am always willing to wait for the right advice. I just think that that might be a particularly important consideration for Members when they decide

how to vote. Sir, may I park my speech and come back to it when the advice is known or should I continue now?

The Bailiff:

It is up to you. I would suggest you press on with any arguments you wish to make for or against the proposition as a matter of politics and principle and then we will hear what the Attorney General has to say as a matter of law later on.

The Connétable of St. Mary:

I am grateful, Sir, thank you. I would just like to clarify when Privileges and Procedures issued its comments on this proposition I have to say I think that the committee was perhaps a little hopeful that we would never get to debate it. Obviously we were very intent that our proposition, P.72, should be debated first. In the light of the lack of support for the reforms in the round, obviously it is a political matter for Members to consider whether they can support this. There will be significant changes required in the election administration procedure if this goes ahead. But as has been admirably pointed out by the Constable of St. Martin, these are not insurmountable. I am quite convinced the Parish staff can rise to them. There are much greater procedural issues concerning perhaps the timing of elections. They are not specifically addressed in here but of course if all Members - not all Members but the 6 continuing Members - were elected on the same day they would validly expect I think to be sworn in as soon as possible after the elections. Of course we would then need to revisit the timing of the election. The ideal time that we have looked at under previous proposals for bringing the elections forward to all be on the date of the current Senatorial election. However, then of course the budget *et cetera* has to be debated later on. There are major changes that would need to be brought in line. If Members were elected in October they would not I think reasonably expect ... if the majority were elected then they would want to be sworn in and start work. There are really quite major implications there. Again I think this will undoubtedly fall at the feet of P.P.C. to manage. I am sure that it can be managed in one way or another. In the course of that consideration of course weekend elections - whether to time at the weekend - could also be considered. I believe that really it is down to a political decision. There is no resistance from P.P.C. to undertake this work if charged. Of course we are happy to see reform. But I do believe the concern of some Members about whether all 3 offices could be stood for is very valid and I think we will need to colour the vote.

1.1.12 Deputy J.M. Maçon of St. Saviour:

It was raised by the Connétable of St. Mary but I think what has to be spoken about is the timing of elections. I think one of the differences that I have seen in the voter turnout between Senators and Deputies is the fact that the election is held in November where it is cold, where it is wet. We know that human behaviour, as humans are creatures... darkness, as dampness, does have an effect on our behaviour. It does make us stay more inside. My concern is is the proposal for an October election or is it to be in November because that does depend on my vote. I presume it would be in October but I will wait for the speaker to clarify that for me.

1.1.13 Senator B.E. Shenton:

I brought a proposal to the States which included an everyone on one day election a few years back and it was narrowly thrown out. The part of the proposition that did go through was the limit on election expenses which I feel was a very important part of equalising the process and making sure that you could not throw money at an election. Deputy Tadier was slightly annoyed at my response with regard to the point of the order and the clarification. But I think too often in this House we do have points of order and people standing up for clarification. Yesterday's debate was more like a conversation in a coffee house at times than it was a debate in Chamber. Certainly the quality of speeches yesterday in places was quite appalling. Some of them I do not even think you could call them speeches. They were just sort of random thoughts conversed across the Chamber. With

regard to the Chairman of Privileges and Procedures, I would like to see more of a 'can do' attitude than a cannot do attitude. This is possible. I think an election on one day is what the public want. It may not be what certain Deputies want but it is what the public want. A number of members of the public have approached me over the years to say that they are not happy with the system. Certainly the Senatorial elections do capture the public imagination far more than the Deputies elections simply I think because there is an element of election fatigue in place afterwards. Finally, because I was not going to speak, I would just ask Deputy Tadier to change his mind and support this proposition because I do think it is time for change.

1.1.14 Senator P.F.C. Ozouf:

I think that there are issues and I have been concerned about issues in previous discussions about elections of the problem that individuals - voters - for example, in St. Helier No. 3 are going to have to assimilate. They are going to have to choose multiple individuals from multiple elections. In St. Helier No. 3, if you keep 6 Senatorial positions which this proposal I think does, is going to have to choose 11 people in one single election. I am mindful of the fact that in Senatorial elections I think that voters on average do not even choose their 6 Senators. They choose - I think on the last statistics I saw - was 4.5. I think that that shows that there are real issues that we need to be mindful of in having one election on one single day. I mean no disrespect to anybody but we are aware of all the personalities involved in politics. I could choose quite happily if I was a voter in St. Helier No. 3 who I wanted. But members of the general public are not that engaged with individuals. I am afraid we cannot say that there is a real test of candidates in terms of elections. I think that, therefore, we need to give consideration as to how we are going to handle such elections. I do not think it is insurmountable but I think we certainly need to give consideration and some more research is going to need to be done. I think also there are some parallel issues that, if this proposition goes ahead, also need to be researched by P.P.C. The timing of the election needs to be considered. The Greffier has pointed out to me that there will be issues about the timing of the Business Plan and budget if Members expect an October election day not a November day. It seems unacceptable to hold off the swearing of successful candidates for 6 weeks as happens now. If we put it to November there are going to be issues with the budget. I personally think that the whole issue of the Business Plan and budget may need to be reviewed. Maybe that is something positive that we can review in parallel. Maybe we do need to revisit the separation of spending and taxation. That is something I know that Corporate Affairs is looking at. Moreover, I continue to believe that there is a problem in relation to the old Assembly with Members that have lost their seat passing the budget for the year in which we are going to govern. In a 3-year cycle there is a real issue that in fact, a new Assembly, what does it mean? You are making a vote in an election in October and November and what does it mean? The budget is going to be set which... of course all the big political debates are about money. Effectively you cannot do anything for at least 18 months. I think that that perhaps goes to explain why some people do not understand and rightly that they do not understand - I mean Islanders - what the connection is between their vote and a policy direction for Jersey. Maybe that is going to mean that in time there is going to be a move towards formalised groupings or parties. Perhaps it can be achieved in other ways. I say all these things because I think that with all things there needs to be proper research and consideration given to quite important changes in our election system. I want also to say that the point about changing the Deputorial boundaries I think also could be taken in parallel with P.P.C.'s review of all of these issues if this proposition is supported. I think that it has to be an objective to have a more testing, a more representative Deputorial election. I think that I would like to see the role of Deputies enhanced and there to be really a view that Deputies have had to really struggle across the Island to get elected. I think that it has to be said that some elections for Deputies in some areas of the Island are more testing and more difficult than others. I am going to say it is controversial but the Senators' election is an Island-wide test of public opinion. It is I think more difficult to get elected as a Senator than as a Deputy. I think that speaks for the fact that failed Senatorial candidates get in as Deputies. I think that there has to be an issue about the Senatorial elections themselves. Not all

is perfect with the Senatorial elections. With a field of 20 candidates and I hope I am not treading on too many toes here when I say that there are always going to be potential no-hopers standing in the Senatorial elections in order to get in as Deputies. That is fine for the individuals but I think it crowds-out the proper discussion and the proper debate that needs to happen on the Senatorial elections. I have sat in Senatorial elections with 20 people on a platform where 6 or 7 people, with the greatest of respect, are never going to get elected. That means that the people who are more likely to get elected are not tested to the extent that they should be within a narrower field. I do not want to take anything away from anybody's right to stand for elections but we also need to be giving consideration to making elections difficult and making elections a difficult and a policy-rich environment. So in supporting this proposition I think maybe we can consider perhaps like other places have done. They have considered non-refundable deposits to discourage those no-hopers, if I may say. But perhaps running an election in parallel might help because people will concentrate on either the election for Senators, Deputies or Constable. I think that there are real issues about this choice of so many candidates. Perhaps a reform system of Deputies where there would be 2 or 3 Deputorial seats across the Island, re-organised and fairly representative across all Islanders to make the voters of St. Mary have the same voice as the voters of St. Helier No. 3 with a redistribution of Deputies. Maybe that is all going to be able to be dealt with by P.P.C. if the signal is given that we want one single election. I think the Constables and P.P.C., if this proposition is passed, are going to have to really work hard to make sure that the elections are informed elections for voters. There has been resistance. The Constable of St. Helier and I, I think are 2 Members of this Assembly that have called for voting or polling cards. I think every elector needs to be sent a clear, plain English explanation of what the elections are. It has to be the case that with a significant percentage of our community not being born here and not having gone through the recent education system of orientation of what our election system is about, I think people do need explanation in a plain English way about what the elections are. I think people's rights need to be clearly given to them. I think that polling cards with all of the candidates, perhaps with a picture, perhaps with a clear explanation of what the different positions are needs to be done. That is going to be even more important if we are going to have the more complex system of lots of votes in one individual election. This is not easy. There are going to be all sorts of parallel issues that are going to have to be worked upon. Perhaps also long term consideration given to I think the long term objective of having a 4-year electoral term if one gets the single election right at the right time. I know we are not debating this now but there are going to be consequential issues to consider about whether or not we do eventually do something with the number of Senators and perhaps the changes which I think are going to be required in the longer term for the constitutional changes that I think an evolving Island democracy is going to have to deal with. At the end of the day there is one thing that I think the public are concerned about. I hear Deputy Tadier and he says that he does not think that other Members represent the Island. Maybe he is right. I know and I hear the constant refrain that the people that I talk to, the people that I think voted for me want to see - and this is difficult to say - a raising of standards of the Members of this Assembly. They want to see the Assembly become more representative because I do not think it is. I do not think this Assembly is representative of our community. I think the public is confused by the signals that we send out about what the States Assembly is, what the Government is, what the role of Scrutiny is. I do not think we are giving anything like the opportunity for other people in other parts of the community to stand for elections. This is not about wealthy and non-wealthy. This is the middle ground of Jersey which I have to say I do not think feel that this Assembly represents their interests. I think we have got a lot of work to do in order to improve that. I plead guilty as well in having not spent enough time on these issues. I am going to support this proposition because I think it is the right long term objective for the Island but I think the devil is in the detail. There is a great deal of work that is going to have to be done by P.P.C. in order to make it work and make the election process work.

1.1.15 Deputy S. Power of St. Brelade:

The first thing I would like to say is that I very much welcomed the speeches of Senator Breckon and Deputy Martin because they reflect very much my views on this subject. I would like to say to Deputy Le Fondré... thank him for bringing this proposition. I will enthusiastically support this proposition and would like to tell Members why. At the end of 2005 I decided to stand for Deputy. I did not consider any other role in this Chamber; any other position in this Chamber. I was comfortable with my decision in 2005. I stood for election. I am comfortable with my role as a Deputy and I have now done it twice. I never for a minute thought when I stood for Deputy that I would need a safety net or a fallback position. That is why I stood for Deputy and did not stand for Senator on the hope that I would get name recognition and then stand for Deputy. I think coming from it from a slightly a different angle I feel that this business of having a fallback position is unsustainable. It is entirely up to Deputy Le Fondré in his summing up whether or not he thought of that. I certainly did not when I stood. I am glad that this proposition clarifies and simplifies some part of our election process. I am comfortable that if we have one election on one day for the 3 positions in this Chamber that there will be no fallback position. It is not the only reason I like this. I pick up on one point Deputy Tadier said which I have to disagree with even though he is my colleague in St. Brelade. That is that he made a number of general comments about people who stand for Senator. He implied that the role of finance and money in being elected as a Senator is somehow relevant. I am looking at Senator Syvret to my right and I am looking at Senator Breckon to my right. I have never seen in my active interest in politics in the Island, the Island awash in Senator Syvret posters or the Island awash in Senator Breckon posters. I do not think there was one Senator Breckon poster and yet he was second last year. I think that it is a matter of public perception. I think somebody else used this phrase that if the public respect you, if the public trust you, if the public want you, you will be elected. I think those examples of those 2 Senators are a case in point where money is not relevant. They were elected on their track record. The other relevant thing that Senator Breckon said - and I think he quoted Senator Ozouf - is that had he not been successful as Senator, he would not have stood as Deputy. I think that is a profoundly important and honest thing to do and an important, honest thing to say. That is probably why Senator Breckon was second and in previous elections Senator Syvret was first. Having decided to stand for Deputy in 2005, one of the reasons I was glad I did not contemplate standing for Senator is I regard the Senatorial elections now, unless we do something about them, as an absolute cavalry charge across the finish line. You had 15 or 16 candidates for Senator in 2005 and you had 21 in 2008. I attended one Senatorial hustings in 2005 and one in 2008. The system simply is not working. As Senator Shenton said, it does engender a lot of public excitement and a lot of public interest but really it demeans the role of the position of Senator and I think it damages the election process for Senator. That is something that if this proposition has any benefit it will stop this. But I know that that is not the only reason Deputy Le Fondré has brought this to the Assembly. Moving on. I agree with 2 other speakers who have said that the public want one election, a general election on one day and that should be a spring or early summer day at the weekend. I think Deputy Maçon said it and somebody else said it. We have got to get away from these dark October and wet November days. In 2005 in St. Brelade we asked the electors of St. Brelade to vote 4 times: for Senators in early October, for a Constables' election I think it was the beginning of November 2005, for Deputies at the end of November 2005 and then we had a contested Procureur election in February 2006. It is an electoral process that I hope is changed because it is simply asking too much of people to come out on these dark evenings and/or wet days. I can vouch for the fact that having spent 3 times in my life standing outside Communicare for 12 hours, it is not a pleasant prospect when it is windy and wet. So we standing outside there is one thing. Asking people to come in and vote in the dark, in the wet, with Zimmer frames, with wheelchairs is just simply wrong. We have got to move to a spring or an early summer day. I agree with Senator Shenton, it is up to P.P.C. to make it happen. It is up to P.P.C. to say we can do this. We can improve the way we get people to vote. We can make it easier to vote. Let us not hear we can do it but or there are problems and this may not work and that may not work. Let us just go and do it. What else do I want to say? Not a lot. I am sure that if we do move to one election on one day for

the roles of Senator, Constable or Deputy - whatever we decide to in the next 2 years - I believe we will increase voter turnout. I believe we will increase interest. I believe that there will be excitement that on one day the electors and the voters of this Island can say we can change the shape of this Assembly and this House on one day.

The Bailiff:

I still have the Connétable of St. Lawrence and Senator Syvret wishing to speak but would Members wish to hear from the Attorney General at this stage? I understand he is ready to reply.

The Attorney General:

The question I have been asked to address is whether it is possible to introduce to the legislation a rule that candidates would be required to stand for only one office. Senator Syvret said it would be absurd to be elected to more than one office. I think that difference in the formulation of the 2 questions may be significant. In other words, you distinguish between a rule that prevents somebody from holding more than one office and a rule that prevents somebody standing for more than one office. There may be differences between the 2. The legal background is this. Given that if the proposition is adopted there will need to be changes to legislation which will need Royal Assent and, therefore, there will be the need to look particularly carefully at the international obligations which the United Kingdom has in respect of Jersey. There are 2 conventions which come immediately to mind. The first is the European Convention on Human Rights and the second is the International Covenant on Civil and Political Rights. Just reminding Members about what they say. The relevant article is Article 3 of Protocol 1 to the European Convention, the right to free elections: "The high contracting parties undertake to hold free elections at reasonable intervals by secret ballot under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature." Article 25 of the International Covenant on Civil and Political Rights is slightly longer: "Every citizen shall have the right and opportunity without any of the distinctions mentioned in Article 2 without unreasonable restrictions to take part in the conduct of public affairs directly or through freely chosen representatives, to vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot guaranteeing the free expression of the will of the electors to have access on general terms of equality to public service in his country." The Jersey system of representation is, as far as I am aware, not replicated anywhere else with 3 different types of Member. That is not a criticism of it. It will have its advocates and its detractors. But it is relevant to point out that that is so because when one looks at the case law of the European Court of Human Rights there is not anything which is absolutely directly on point because of course the European Court has never had to consider a system of representation in an Assembly such as ours. But one of the important decisions taken by the European Court of Human Rights was in the Matthew Mohan case which was in 1981. In that decision, the European Court did say that the right to stand for election to the legislature is not an absolute right and States would have a wide margin of appreciation as to how they protected it. One must look at the things in the round. The real test for the court, the real issue for the court, is whether one can say that whatever restrictions have been introduced still guarantee the free expression of the opinion of the people in the choice of the legislature. The other interesting thing about that case was the statement that the court would assess the electoral system against the political evolution in the country concerned. In other words, some respect would be given to the fact that the political system is developing. In my view there is no doubt at all that it would be proportionate and compatible with the international covenants to introduce a rule that prevented somebody from holding more than one office. I do not think there is any doubt about that because the rule which prevented somebody holding more than one office would recognise that the offices are there for different purposes and the people would still have a right to the free expression of their opinion in the choice of the legislature if that rule existed. As to the restriction on standing for more than one office, I think the position is less clear. I note that the advice which we have previously given is just that, the position is less clear. One would need, I think, to look at the detail

of the legislation as it was developed to see precisely what rules were being introduced. But I do not think that it would be necessarily impossible to introduce a restriction of some kind along these lines. One of the reasons I say that is that it seems to me that one only has to contemplate what would happen if you have a rule that you cannot hold more than one office but you do not have a rule that you cannot stand for more than one office. What happens if somebody does get elected to 2 offices? First of all, there would be obviously then the expense and hassle of a second election because that person could not hold both offices. It would be undesirable and might lead to election fatigue which has been mentioned in the debates already so far. Therefore, that might have an impact on the free expression of the opinion of the people to the choice of the legislature. It does seem to me that it is very likely that it would be possible to introduce the sort of restriction that I have just described; a restriction against standing for more than one office as well. I caveat that with the need to look at the detail of the legislation as it is produced. But in principle it seems to me to be possible.

Deputy F.J. Hill of St. Martin:

Sir, could I just ask a follow up question from that? Just to ask the Attorney General. He has mentioned the 2 covenants of the Human Rights Law but has not really mentioned Article 14. Could it be considered Article 14, discrimination, could come into it, being that if someone stands for a Senator, you discriminate against those because you have 2 bites of the cherry whereas if you stand for Connétable or Deputy you do not get a second bite of the cherry? In other words, the position of Senator is discriminatory against those Deputies and Constables who only get one bite of the cherry. I know I am clutching at straws but we are talking about a Human Rights issue and I just wonder whether Article 14 might also come into play.

The Attorney General:

I have heard it said that lawyers sometimes clutch at straws to make bricks out of straw. If I may say so, with respect to the Deputy, that is just such a straw. Article 14 is concerned with discrimination on grounds of gender, colour and that sort of thing and is not concerned with the sort of discrimination between Senators and Deputies.

The Bailiff:

Deputy Le Hérissier, do I gather you want to ask a question of the Attorney General?

Deputy R.G. Le Hérissier of St. Saviour:

Yes, Sir, 2 but if I may put them together. The first one; the U.K. (United Kingdom) Government in assessing the applicability of these covenants, would they assess what has been and is in decline a 35 per cent turnout for elections is itself a reflection of an effective electoral system? Secondly, it is the custom in France, as we know, for mayors to often run for national office. They run for the position of mayor and they run for national office. Would this be allowed in the sense of transferring to Jersey that one would give the right to Constables to run for their municipal office and perhaps to run for other States offices as well?

The Attorney General:

As to the first of those questions, the issue of the electoral turnout is one which is capable of being a factual matter which a court would take into account. In other words, if the court was satisfied that the change was introduced in order to improve an electoral turnout, it seems to me that that could be a legitimate factor for the court to assess when looking at the political evolution of the country concerned and putting that against the Article 3 Protocol 1 right. So if a court would take it into account then we would take it into account in advising this Assembly. We would certainly advise the Crown that it was something that should be taken into account in deciding whether to give broad assent. The question as to the position in France, I am afraid takes me out of my comfort zone as I am not entirely sure of the factual position there. But on the basis that not all mayors sit in the *Parlement* which I believe to be the case. That is rather different from the

Connétables who do of course sit in the *Parlement* and it may well be that there is no incompatibility between standing for both offices and no reason why somebody would be prevented from doing so. I think the issue for us is that we have different types of Member in this Assembly. It might well then be incompatible to hold more than one office within the same Assembly.

The Connétable of St. Mary:

I would just like to thank Her Majesty's Attorney General for a very comprehensive answer to my original question. Thank you, Sir.

Senator J.L. Perchard:

Sir, could I give notice of my intention to propose closure to this particular proposition?

The Bailiff:

Very well.

The Deputy of St. John:

Given the previous comments by the Senator, I am surprised that on a debate to do with reforming the States we would have a closure motion. But that said, if I could ask the Attorney General, given that currently under the law if you are a sitting Deputy or Centenier and you take for one or the other office when you go to get sworn in at the Royal Court you are asked by the Royal Court, if I am correct, if you wish to take the oath of office of the other. Would that in fact have any similar bearing to what would happen in a Senatorial or Deputies election, Attorney General?

The Attorney General:

It is true that there are numbers of precedents in the past where the Royal Court has declared that the holding of 2 different offices is intrinsically incompatible. Of course having said that, I cannot at the moment immediately recall any but there is no doubt at all that the court has exercised that authority in the past. I do not myself see that the court would have much scope for making a declaration about incompatibility if the new legislation which is proposed and adopted following the adoption of this proposition. If it is adopted, I do not see the court will have very much scope for that sort of declaration of incompatibility because the legislature will have expressed its view about what should or should not be possible.

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

I would like to thank initially the Attorney General for his response to the question by the Constable of St. Mary which was a question which I was intending to put to him myself. I rise to support the proposition of my colleague, Deputy Le Fondré. I believe he and I probably knocked on many of the same doors when we were canvassing for our respective roles last year. I know that I received many of the same comments as he did when canvassing. I think sometimes there is some confusion between the thought of a general election and the thought of having all elections on a single day. I think what the Deputy has done here by proposing that there is a single election day each year does not override the problem of having a general election because that would necessitate all Members being re-elected at the same time and on the same day. We do not get over the issue of the general election because we will still of course if we go with this have 6 Senators who will not be standing for election in 2011. Nevertheless, putting my perception of the public confusion aside, I believe that the 71 per cent of people who opted for a general election in the recent MORI poll will very much welcome the single election day if we go forward with it today. I would like to refer to some of the comments made by Senator Breckon. He said that he spoke to Deputy Le Fondré in the St. Lawrence Parish Hall on the day of the Deputies' elections last year when the Senator felt that there was an election fatigue about the place. I can concur with that because of course I was there for the elections for Senator and Connétable on the one day, followed later in November by the Deputies' election when we were all looking out into the grounds of the Parish Hall and saying where is everyone? Why are they not here? They had appeared to be there in their

droves for the election for Constable and Senator. I am sure it is not an experience that was isolated to the Parish of St. Lawrence. It must be something that was felt in other Parish Halls and polling stations around the Island. Therefore, I do feel that the comments issued by P.P.C. to the Deputy's proposition do have that negative ring about them, referred to by Senator Shenton. I am disappointed to have read in the third paragraph that they have already highlighted for further discussion the number of elections which should be held at any one time. They do not support a proposition which deals solely with this aspect of the elections without them, P.P.C., having undertaken any consultation as to the possible ramifications. I believe that they should have consulted on the possible ramifications of this issue. The Connétable as Chairman of P.P.C. is saying no but is quite clearly stated in the ... no, I will not give way, Constable. It is quite clearly stated in the comments. Senator Shenton has already referred to the negative aspect. I believe as a legislature, as an Assembly, we should be sending out a positive aspect to the people of Jersey, to our constituents who we know 71 per cent of them wanted or want - and maybe it has increased by now - a general election but to my mind a single election on one day or a single election day. I would like to close by saying to Deputy Tadier that I absolutely believe that Deputy Le Fondré did bring this proposition to increase voter turnout. I have no doubt about that whatsoever. If we look at the comments of P.P.C. initially in their P.72 proposition, almost on every page it says that a single election day will increase voter turnout. I find it difficult to accept from a member of P.P.C. or to have heard a member of P.P.C. stand up and say that a single election day would not increase voter turnout. We know from P.72 that indeed it would. I am not sure whether the Constable of St. Mary when she spoke was indicating that she would now support the proposition of Deputy Le Fondré. The mood I sense in the House is that this is going to be supported. I certainly hope it will be. I believe it is that one small step towards what the electors want. It must be taken. We must boldly go where no Assembly has gone before. **[Laughter]** I would urge all Members to support the proposition.

1.1.17 Senator S. Syvret:

I can say hand on heart in this Assembly for nearly 20 years I have always spoken and voted, whether right or wrong, for the thing that I genuinely felt was the best thing to do on the occasion, the right thing to do. Indeed that even included such extraordinary and extreme measures as voting against a censure motion brought against Senator Walker. But I was very, very nearly tested yesterday. I was very nearly out of sheer mischievousness and long-term politicking tempted to vote for the proposition of the Privileges and Procedures Committee because it would have been the destruction of the Island-wide mandate. It would have been the huge stride down the inevitable path, which I support, towards proper organised politics in Jersey; party politics. But I honestly could not bring myself to vote for it because the system which we would end up with prior to the evolution of party politics without an Island-wide mandate yet with the Connétables remaining in the Assembly I just do not believe would have been in the public interest. Unfortunately in many ways I had to vote against it. I am not entirely sure how I am going to vote on this proposition. It is of no personal relevance to me because it is most unlikely I will be seeking re-election. But just assuming hypothetically I were, it would reduce I would imagine significantly the number of competitors, the number of other candidates in the Senatorial election. One could argue from that perspective it would make it easier for sitting Senators to retain their post. From that perspective it could be argued that it would suit indeed the interests of sitting Senators to go down this path. But there are concerns, other factors which I do not think people have fully taken into consideration. It has been claimed, for example, that the public do not like the 2 bites of the cherry opportunity. Certainly that is true of some members of the public. A lot of other members of the public say to me they do like the Senatorial elections and they do like to see potential Deputy candidates being tested on the roadshow on the Senatorial hustings platform and they do in fact think: "I like the look of X or Y candidate who has run in the Senatorial election but I believe in the apprenticeship first. So I am not going to vote for them in the Senatorial election even though I like them but I will vote for them if they are in my Parish or district in the Deputy elections." If you go to the

election on a single day, which again I am not necessarily arguing against, you lose that ability. The public lose that opportunity to get a feel for the potential field of Deputy candidates first. I think that is something that has to be borne in mind. I think a number of other things which were said also are not entirely fair. Deputy Power spoke of people like me or Senator Breckon getting elected with fairly low profile campaigns. But really that is not fair or realistic, is it, because we are already established, known politicians with a reasonably high public profile? Although in the early days when I, and I am sure when Deputy Breckon first ran for election, it was a different matter then. We were virtually unknown and of course it was very difficult to get a foothold, to get your name known and get into the system. Once of course you are a known person it becomes easier or indeed far harder **[Laughter]** to get re-elected in some cases. I do think there is that issue in that if you have got the one day election and you have a slate of sitting Deputies running, you have got fresh candidates coming to run against them as Deputies who have got no public profile, who are completely newcomers. They are at a disadvantage as would be the case with people running in the Senatorial elections. There are a number of issues that flow from this. The proposition is plainly a Trojan horse - I think the Deputy of St. Mary is absolutely correct - even if that is an unwitting Trojan horse. I am quite sure the proposer of the proposition will say that it is not a Trojan horse designed to completely sabotage and destroy the Island-wide mandate. I would not disbelieve him if he said that. But unwittingly that is the effect. That is the consequence of this proposition and I think Members need to bear that in mind, which indeed is one of the reasons why I think I am probably going to vote for it. If we support this proposition there are certain inescapable logical conclusions that flow from that decision. As has been pointed out by a number of speakers, you take away the incentive to run for a Senatorial post, you will greatly reduce the number of non-politicians who will contest Senatorial seats and you will, I fear, very significantly restrict the number of Deputies who will risk running for the post of Senator knowing that they cannot go back to their district and try and retain a Deputorial seat. That will be an inescapable consequence. I think one has to then accept the fact that if this is not a Trojan horse, if this is not intended or even unintended to lead to the destruction of the Island-wide mandate, if Members vote for this wanting the Island-wide mandate to remain then it comes with this as an inescapable fact that you have to retain the 6-year term of office for Senators because if you have the all one day election - and there is no advantage, no kind of attraction to making candidates try their options in a senatorial election - then you really will run the risk of the Senatorial field ending up being very poorly contested and possibly by people who are burnt-out like me or deadwood no-hopers perhaps like me as well as some people would say. I to think if the Island-wide mandate is to remain on a one day election, inevitably Members have to go into the decision clear sighted that an inescapable consequence of that is that the 6-year term of office for Senators remains. Otherwise, why bother? You simply will not have anyone taking the risk. Or the Trojan horse effect kicks in and we end up going down the inevitable path of removing the Island-wide mandate even if it is an indirect effect because if we do have say a set term of office that is the same for all Members and we do go to an all election on one day situation then even if the House does not decide to do it, the Island-wide mandate post will simply die a natural death. If the Island-wide mandate goes, what do we then face, which is why again I think I am going to vote for this proposition. The inevitability of the removal of the Island-wide mandate which is - let us perhaps redefine it into what it is - the opportunity for the community to express a collective opinion about important posts, important issues, important political matters. If you remove that either immediately or through a process of decay and attrition, if you remove the Island-wide mandate, then the only mechanism of replacing that opportunity for an Island-wide expression, a collective communal expression, political opinion, is through party politics, which I am more convinced than ever is the only way the great majority of people of this community are going to ever finally get a true grip on power and control over the destiny of their community. On the basis that, I think, wittingly or unwittingly, this probably will lead to the demise of the Island-wide mandate and the inevitable growth and acceptance of party politics, I will be supporting the proposition.

1.1.18 Deputy T.M. Pitman of St. Helier:

I would really like to congratulate Senator Syvret on a very measured speech. I have to say, in making my comments that I think it is really disappointing in the House the response that we seem to get or certain Members seem to get, particularly the Deputy of St. Mary. He gives an awful lot of thought to what he does. Yes, he may go on too long but that is a skill that we all need to learn, is it not? What he says is very genuine and he makes some very good points and it does not mean he is attacking people all the time yet he, more than anyone, seems to get these constant interruptions and Deputy Tadier too. A very good speech, I thought, from Deputy Tadier. Might annoy some people. I do not agree with everything he said but I agree with a lot of it but he has the right to say it. I know the Chair is a very difficult position but I have had members of the public tell me that it does seem that a certain side of the House can get away with constant interruptions all the time and it does seem hard, especially for newer Members, as it were, to get their message across and it does seem to be aimed particularly at 2 Members. I quite frankly do not mind being heckled, interrupted, whatever. I am a quiet, reserved person. I just deal with it. **[Laughter]**

The Bailiff:

The position is, Deputy, that the Chair does do its best to be utterly impartial but if Members do breach the rules, then if some Members breach them more than others, the Chair has to pick up those Members more than others.

Deputy T.M. Pitman:

Certainly, Sir, and I hold my hand up. I am not above making the odd frivolous interruption but it does seem a bit uneven, so I am telling you off there if I can. I am sure I will get in trouble later. I think the observations I would like to make, because I can make my speech much shorter now because I think Senator Syvret did an excellent job in summing this up, but it has got to be said that there are some differences from yesterday. The Constable of St. Clement's proposition, which I obviously amended and improved, I have to say, but there is a big difference because what he was talking about and I was talking about was a general election was one type of Member, and I do not know if he has forgotten it but the Constable did mention that the proposal from P.P.C. with Constables and Deputies was not a general election, so I am not quite sure why he changed his mind on that. I have always supported a general election. I am in a real dilemma now, pretty much like Senator Syvret, and, I expect, a few others because it is undoubtedly that this is a fudge. It is not perfect but that does not mean that we should not support it. It certainly is a very poor sad distant cousin to what could have been achieved in a general election with one Member, and that is what most people wanted but again we all talk, it seems, to different people. I clearly do not move or ever meet some of the people that my colleagues in the House do. Maybe that is my fault but there is a big difference so we have got to be clear about that. I said to the media yesterday when they stopped and harangued me to speak to them that I felt embarrassed about yesterday because it just seemed yet again ... I am a new Member but it just seems we are incapable of change in this House and that is what the public think; absolutely, undoubtedly. What impacts will this have if we accept it? I think it is going to go through anyway. I have never abstained from anything but I am always tempted to abstain. What will change? Well, we have to accept that one of the implications, if this goes through, is that many Deputies will not go for a Senatorial position and that is a fact. I think it was the Constable of Grouville who asked what wealth had to do with Senatorials. Well, let us not attack wealth but it does play a big difference because £8,000 is a lot of money to an ordinary person and I am sure he accepts that. I was not the only States employee to do it but let us remember we were prevented from even earning a living, so wealth did have a lot to do with standing for election. A lot of the people in this House voted for that. Now, that was a really short-sighted bit of legislation which had a huge impact; £8,000 for campaign and you cannot even earn your living. Deputy Green was in the same position and we had a couple of others. I think some of the wealthier Members within the Assembly really need to consider that if they are working in the best interests of the people because I can tell you there are a lot of very capable

people who are out there who just drive a van or a bus or are a school caretaker. Should that prevent them from standing for election? I do not think it should, but it does. There are a lot of things that impact on becoming a Senator. Would anyone seriously say it is all down to ability, because that has no credibility whatsoever. I am not going to attack certain Members here but having a really high profile job, Senator Le Marquand, top of the poll and fair play to him. I have got a lot of time for him but I think his previous position certainly helped and I am sure he would acknowledge that. I do not want to embarrass Senator Shenton but having probably one of the most famous fathers in political life I am sure was not a deterrent. It did not put people off. **[Laughter]** I was going to say that I hope none of his children stand for election in the future **[Laughter]** because the result might be different. Only joking. There are huge amounts of difference. One of the big improvements we have made is on limiting expenses because you go back a few years and some of the amounts being paid probably would have paid off the debts of small countries, quite frankly. Does anyone seriously say that that does not have an impact? Senator Syvret really hits it on the head where he highlighted the fact that for him not to put any posters up or Senator Breckon, it was not a fair observation because they have been in the House for many years. They are very high profile and they have got in on their record, whether you love them or loathe them and I quite like both of them but I do not agree with everything they say. Could Joe Bloggs run for election with no posters, no leaflets, not being known? Absolutely not, absolutely not. I hope Senator Ozouf comes back because I want to criticise him as well. **[Laughter]** I stood for Senator. I cannot imagine anyone would stand for Senator unless they genuinely thought they had the ability and could bring something to offer. I did that and I have to say the Senators' elections were a lot of easier than the Deputies. For what reason? Well, a lot of reasons. Deputies means knocking on doors, speaking to people. They can sound you out but unfortunately when you are learning the ropes, you find that you spent 3 hours with Mrs. Bloggs and all you have done is drunk 18 cups of tea. **[Laughter]** You meet them on polling day and you find they did not even vote for you anyway, despite their promise. **[Laughter]** **[Aside]** I met someone who apparently voted for everyone who was on the nomination paper so obviously they were trying to keep everybody happy. If I stand for Senator again, if the Senator position is going to exist, then it will be because I think I have got something to offer and I can progress things. I made reference to my conversations with Senator Syvret the other day about the Senatorial role. I widely believe that we should all be elected that way if we could. I do not think it is workable but listening to the last speakers of the day, I am going to go away, spend a week in a cave and I am going to come up with a system where we can make it work. Senator Syvret's observations that this will eventually lead to party politics is quite true so I will probably vote for this because of it. It is inevitable. Party politics must come because the thing that really angers the people is that there is no accountability. We need proper manifestos, not wish lists. We need some legislation ... I do not know if P.P.C. can do this but where you get penalised if you change your mind within 5 minutes of what you promised people to win their vote and that is what the public think. I was really disturbed by something Senator Ozouf said yesterday. He said: "It cannot possibly be right that we have failed Senatorial candidates then coming in as Deputies and having the same say and power." He should be in Albania or somewhere if that is his attitude. That is an absolutely appalling comment. He is not very good with figures so I will not be too specific but if he would like to consider that St. Helier has the largest part of the population in Jersey for one Parish, 28,000 - 30,000, perhaps we will find out eventually - I would beat Senator Ozouf very easily in St. Helier as I beat all the sitting Ministers bar one, Senator Routier, to my great surprise, but there we go. Fair play to him. He beat me but the people of St. Helier, a very large area, I came fifth in the Senatorials. Was I a no-hoper? No, and quite frankly, if Senator Ozouf wants to come down and listen, I am not an arrogant person. Some people might disagree with that. I am confident of my abilities. I could beat Senator Ozouf in an Island-wide election tomorrow and that is more about what he has done to the people of this Island. In a Senatorial election, we talk about no-hopers. We had one candidate. I think he barely got out of 3 figures. Does that mean he should not have been able to stand? Does it mean we should then put some huge impediment on fining him with a deposit that he had to give back as an

ordinary person? No. The other huge impact that this will have, if we accept it, and I cannot remember if anyone else has touched on it, but it will reduce the quality of candidate who go for Senators. I think many of the people who will support it will be doing so because they are now a Senator and I think it will help them stay in their jobs. That is just an observation. It would be a shame if the majority in this House was left, centre, right, whatever you want to call it, and we have not heard Senator Le Main speak. Maybe he will but he has used that second bite of the cherry. Is that a bad thing? He felt he still had something to offer. He went back to being a Deputy for a while. He believed that he could still do a job. I would be very surprised if now he would criticise that. I have not met anyone who has got the problem about the so-called second bite of the cherry. I stood again as Deputy because I thought I had something to offer and I have certainly served the people of St. Helier, *et cetera*, for a very long time. I was particularly concerned, as people know, about young people. That is why I stood. I did not do it for a whim. This will prevent Deputies standing who have not got business to fall back on or wealth and that is a fact so Members should consider that. If it is all about protecting the *status quo* and keeping the establishment party in power and that is what you think is the best, then you should support it but you must recognise that that is a fact. Ordinary Deputies will probably not risk their seat because why should they? You do not need to be a Senator now to get a top job. When I was growing up and listening to politics, it did seem that you had to prove yourself, *et cetera*, or you had to come in and maybe you were a very experienced person. I think this will have a huge impact. It will lead to a reduction in the quality of Senatorial positions, I think, and it will only hasten party politics so that is a good thing. It does not matter what the party is called, whether it is the J.D.A. (Jersey Democratic Alliance) or Senator Syvret has talked about the Charter Party or whatever. Party politics is inevitable. This will speed it along its way. Probably means some people will now vote against it but that is a fact. This is, I am afraid, I have to say, a fudge but I fully accept that Deputy Le Fondré has brought this in good intentions but when the Deputy of St. Mary was trying to say it is a Trojan horse, it is a Trojan horse as I think I have demonstrated, and a number of other speakers. If we are going to do this, we have to get many other things in place, the 4-year term, *et cetera*, the spring election, so we do not have old people going out, scared to get out and perhaps not exercising their vote because it is dark, windy, horrible. Those are the things that P.P.C. really should be working on, I think. I think if we are going to put this in place, then we should have some rider on it that we review it after the next election, see what impact it has. I think that is all. I am in a dilemma. I am not sure. I probably will support this. Again, I would just reiterate, Deputy Tadier made a very good speech. He raised some very important issues and I wish we could only listen to these comments sometimes and not attack people for it. I do not share the politics of many in this House but I will normally listen to their views and argue about them. I do not know which way I am going to vote. I am a bit like Senator Syvret here. If I do, it will be because I have said I would always support a general election. The J.D.A. have always supported a general election and the other reason will be because I have got confidence in my and our abilities. I am very confident for the next election because we are saying that we are doing the right things. I will listen to who speaks next. He can persuade me one way or the other.

Senator J.L. Perchard:

I gave notice over half an hour ago of my intention to propose closure. I intend to make that proposition for 2 reasons. Firstly, I think the mood of the House is clear and, secondly, I think we are forgetting what this proposition is about. It is about the electorate and not about ourselves. We are embarrassing ourselves. We are discussing our individual circumstances, where we fit in with this change. It is an embarrassment to this Assembly. I ask that the closure be taken and the proposer sums up.

The Bailiff:

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

The Deputy of St. Mary:

May I just ask one piece of information? How many people are due to speak on your list, Sir?

The Bailiff:

Yes, indeed, I have 4 people left at the moment who indicated they wished to speak. Very well. The closure motion is put. I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 19		CONTRE: 25		ABSTAIN: 0
Senator T.A. Le Sueur		Senator S. Syvret		
Senator P.F.C. Ozouf		Senator P.F. Routier		
Senator T.J. Le Main		Senator A. Breckon		
Senator B.E. Shenton		Connétable of St. Lawrence		
Senator J.L. Perchard		Connétable of St. Mary		
Senator B.I. Le Marquand		Deputy R.C. Duhamel (S)		
Connétable of Trinity		Deputy of St. Martin		
Connétable of Grouville		Deputy R.G. Le Hérissier (S)		
Connétable of St. Brelade		Deputy J.B. Fox (H)		
Connétable of St. Martin		Deputy J.A. Martin (H)		
Connétable of St. John		Deputy of St. Ouen		
Connétable of St. Clement		Deputy of Grouville		
Connétable of St. Peter		Deputy J.A.N. Le Fondré (L)		
Deputy of St. Peter		Deputy S.S.P.A. Power (B)		
Deputy J.A. Hilton (H)		Deputy S. Pitman (H)		
Deputy of Trinity		Deputy I.J. Gorst (C)		
Deputy K.C. Lewis (S)		Deputy of St. John		
Deputy A.T. Dupré (C)		Deputy M. Tadier (B)		
Deputy D. De Sousa (H)		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy T.M. Pitman (H)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

The Bailiff:

Very well, then, the debate continues. [Laughter] [Aside]

1.1.19 Connétable J.M. Refault of St. Peter:

I voted for the closure. The substance of what I was going to say has already been said. I only had a few items to add. I will go with the mood of the Assembly and I will stand down.

1.1.20 Senator B.I. Le Marquand:

I also voted for closure. I will make my speech very, very short indeed. This is overwhelmingly popular. This is one of the things that is overwhelmingly popular with the people. It will have a massive effect on increasing the voter turnout. We saw what happened in the Parishes when the Connétables were elected at the same time as the Senators. There are details to be worked out. I am not going to bore the Members of this Assembly today with my own ideas on this. I do not think this is the death knell of Senators but I am also not going to trouble the Assembly with my reasons for that. I overwhelmingly support this.

1.1.21 Deputy E.J. Noel of St. Lawrence:

A single day election is supported by the electorate of St. Lawrence and I therefore assume that it is supported by the Island as a whole if St. Lawrence is a representative community. The practical

difficulties are not, in my mind, great or insurmountable. It will increase voter participation. It is the first step towards reform. Unlike the Deputy of St. Mary, I do not mind a piecemeal approach because it is evolution not revolution. I wholeheartedly support my fellow Deputy of St. Lawrence.

1.1.22 Deputy R.G. Le Hérissier:

I will be brief. I do not think it is a Trojan horse but it is inevitable as night follows day that there will be undoubtedly be a proposition at some point for a 4-year period and when that comes in, that will obviously put the whole Senatorial position in doubt. I do not agree with Deputy Trevor Pitman, who was experiencing enormous oscillation and wavering there and dithering almost on a scale which only I can manage **[Laughter]**, and I do not agree with him because there are other ways of getting known other than standing on a Senatorial platform. There is involvement in the honorary system, there is involvement in community groups, things that are done, in fact, and I would not see this as the only route into politics. I would say to Senator Ozouf, who I noticed when he stood up yesterday to give his eulogy on behalf of himself **[Laughter]** but when he stood up to say that he was not going to support the changes, he preceded it with a semi-lengthy speech outlining the economic achievements of the Island and obviously the link that was meant to be made was because Senator Ozouf was responsible for these economic achievements and he had been voted in by this system, therefore this system was the right system. It was a rather strange set of logic but he put it across very well and no one caught him out at the time. Similarly, he has said that we need more education to educate people into the system. There is some good stuff going on in the schools at the moment but the issue, as I have always made the point of saying - and I am a beneficiary of this system so, in a sense, I am a total hypocrite - the issue is the personality versus the policy system and that is the one that is the most difficult thing to explain to newcomers to the Island. Why did Senator Le Marquand, other than being an enormously fine chap with an enormously fine background, why did he press the right buttons in the electorate and that is a very difficult thing and it varies enormously between, as we know, the town and the country. I think this is a good start. There possibly is a Trojan horse aspect to it but it is long overdue and it will lead to good discussion. I do not agree, as I said, with Deputy Trevor Pitman's assertions that it will lead to a lesser quality or lesser range of quality and backgrounds of people in the Senatorials. Just one word on Deputy Tadier's contribution. I felt he was unfairly treated. I know he possibly went over the top but I think a lot of his disappointment was to do with the fact that he tried to be a sincere team-playing member of P.P.C. and attached himself to what was a compromise and where he forewent, I suspect, a lot of his principles and he fought and fought to get what he thought was the most rational system into place and he has had, I am afraid, a very real lesson in real politics.

1.1.23 Deputy A.E. Jeune:

I believe that voting for this proposition will show the people in my district and the Parish of St. Brelade that I have listened to what they said. Most of these people were good working class people and I repeat the word "good" because I have been deeply saddened this morning to hear Deputy Tadier refer to working class people as "dirty". I do not believe that Members of this Assembly view working class people in this way.

1.1.24 Connétable J.L.S. Gallichan of Trinity:

I am fully supportive of this proposition but I do tend to get concerned on the 4-year term. If one remembers last year going on to the 4-year term, because at the moment I think the way forward is a single-day election and let us keep to the 3-year term because when the Connétables brought a 4-year term last year or whenever it was, we were going fine until all of a sudden things did not quite balance with the Senators and the other thing. I would say let us go forward - a single-day election - but for the next election in 2011, let us keep it to a 3-year term and then see how everything balances out, whether the voter turnout has risen and whether everyone is happy with that. Then move forward with constitutional change after that. **[Approbation]**

1.1.25 Deputy I.J. Gorst:

Very briefly I want to rise in response to the Connétable of Trinity and Senator Syvret was absolutely right. If Members do want to keep the Senatorial office, we must keep the current terms for the offices as they stand. Members should be in no doubt that voting for this single election day and then subsequently voting for a 4-year term of office will not work and that will, without a doubt in my mind, undermine the Senatorial office and that will be the change that would undermine that office and not this change. This change, I believe, will enhance the democratic system and process within the Island and I will be supporting it. I would, however, ask that when P.P.C., if it is approved today, bring it back, they do not try and muddy the waters which I know there will be perhaps potential to do and lump it in with some other reforms. I fear that if they do that, we will be back at square one and all reform will be rejected. I am not wanting to be pessimistic but that seems to be what happens and therefore I would ask that they bring this back as a stand alone proposition so that Members who perhaps are going to support it today will not be given grounds to dismiss it in the future as has happened in the past.

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

I will be brief. This is long overdue. We have had a few setbacks in the last few days but it is the will of the people and I will be supporting this proposition and I look forward to record attendances at the polls.

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

Just a quick one really on detail. When we talk of detail - and I am pretty supportive of the proposition... but I would urge P.P.C., when it progresses to that, that when it comes to the unfortunate voter at the ballot box, things are made easy because I can see lots of numbers, lots of long columns and I would refer to the previous Senatorial election with these 21 names. My experience was that people did get rather confused and with due respect to my colleague, Senator Breckon, I am sure he did well because his name "B" was at the top of the list. **[Laughter]** In so saying, I would ask P.P.C. please to consider how we might progress towards electronic voting and that, I am sure, would bring more votes on board.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon Deputy Le Fondré to reply.

1.1.28 Deputy J.A.N. Le Fondré:

I think it has been quite an interesting debate. I am not going to deal with very many remarks at all. **[Approbation]** I think as the debate has gone along, we have gone through most of it. I also hope to get an endorsement at the end but anyway. **[Laughter]** Very quickly, I would like to reiterate though the comments of both the Connétable of Trinity and Deputy Gorst. We have in the past sometimes adopted propositions in principle, particularly the 4-year term on the Connétables, and then we have tripped up along the way in the process because it has suddenly got more complicated. Can I ask that on this particular issue, if it is approved, we try and deal with it in as simple a way as possible without bringing in lots of added-on bits and pieces. There have been some very valid comments, for example, I think, about the timing, bringing things into summer and all that type of stuff but that then leads us on down the line of the impact of the Business Plan and all that type of thing. So in my view, given where we are, end of 2009, we are talking about 2011. If it goes through, you have got to get assent and all that sort of stuff. Let us keep it not too many changes in 2011. Perhaps if it happens, 2014 may be the date when we go into summer, for example. I do not know. I just would like to re-emphasise those points. I think really what I am going to say is certainly I saw the system in operation in St. Lawrence in October 2008 for voting on 3 matters and that voted well and, indeed, the electorate, when they came along for their ballot slips, they decided there and then whether they voted for one item, 2 items or 3 items and whether they took one or 2 or 3 slips and they could come back afterwards if they changed their mind and said: "I want to vote for the third item which I did not take the slip for originally." Those systems

were in place. They were very simple and they worked. To me, it has always been the main motivation and I thank the Connétable of St. Lawrence for emphasising it. My motivation has always been about turnout and I reiterate the point again. In 2008, as alluded to by Senator Breckon, and, yes, I think it may have been also a combination of exhaustion on the day but it was disappointing in terms of the flow of people that were not coming through the door on the Deputy elections but had come in on the Senatorials. In 2008, 44 per cent voted in the Senatorials, 34 per cent in the Deputy election 6 weeks later whereas contested election - the Connétables in 2008 - overall turnout in that Parish rose. So this is all about voter engagement. It is about trying to beat voter fatigue that arises as a result of our system. It is one day once every 3 years. It is a small step. It is a logical step, but I do think it is a step forward so I will ask Members to vote in favour and I maintain the proposition and I do call for the appel.

The Bailiff:

Very well, the appel is called for in relation to Projet 109, that is the proposition of Deputy Le Fondré, and I invite Members to return to their designated seats and the Greffier will open the voting.

POUR: 47		CONTRE: 0		ABSTAIN: 1
Senator S. Syvret				Deputy of St. Mary
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G.				

Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

2. Criminal Injuries Compensation Scheme: revised Scheme (P.113/2009)

The Bailiff:

Very well. Now, I can give Members notice that Deputy Tadier has lodged Projet 146 entitled “Referendum position of the Connétable in the States. Then we continue with the next item on the Order Paper, “Criminal Injuries Compensation Scheme: Revised Scheme” - Projet 113 - lodged by the Minister for Home Affairs. The Greffier will read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 4th December 1990 in which they agreed to establish a scheme to provide compensation for victims of crimes of violence to replace the scheme set out in the Act of the States dated 12th May 1970; and to approve the revised Criminal Injuries Compensation Scheme as set out in the attached Appendix to the Report of the Minister for Home Affairs dated 8th July 2009.

2.1 Senator B.I. Le Marquand (The Minister for Home Affairs):

After the heavy main course of constitutional reform, I bring a light sorbet hopefully to refresh Members' possibly jaded palates. First I must explain a little about the scheme itself. The scheme provides for *ex gratia* payments to be made for the victims of crime. It is an important part of the Home Affairs Department policy and, indeed, the States policy in relation to doing things for victims of crime. It particularly helps people who cannot identify the person who has attacked them or mistreated them in some way and therefore cannot bring a claim themselves for damages but it is an *ex gratia* payment system. Today I am bringing to this House a limited number of amendments to the existing scheme. I am doing this at the request of the Criminal Injuries Compensation Board but for technical reasons this has to be presented not just as simple amendments but as the whole scheme being approved once again. However, I would direct the attention of Members to the Report of P.113 and particularly to items (a), (b), (c) and (d), because these are the only changes which I am bringing before this House and I will deal with them now very briefly. Item (a) simply has the effect of increasing the size of the Board. In other words, there will be more people available to deal with deciding upon the merits and the amount of such claims. The Board would be increased from 10 to 12 and the number of Jersey lawyers would be increased from 2 to 3. This simply spreads the workload. There is no cost effect because they are only paid for the work which they actually do. The second point, item (b), relates to the minimum amount of claim. Now, it has always been part of the scheme right from its outset that very small claims would not be dealt with but only above a certain size. That size was reviewed in 1998, some 11 years ago, and a figure of £750 was then set. The Board has asked that that be now increased to a minimum figure of £1,500 so that they do not have to deal with very small claims. Members will see that the report gives an idea of the sort of injuries which would fall within that range. The third point is a very technical point because there is a limitation in terms of loss of earnings which has been calculated in the past with regard to a United Kingdom earnings figure. That is clearly not appropriate and a Jersey figure is now available and this simply suggests that it be changed so that the calculation is with reference to Jersey figures rather than United Kingdom figures. Fourthly, point (d), there has historically been a problem with people who made an initial claim but who never accepted it and this has led to monies being outstanding, as it were, in the fund, in suspension, going back as far as 1998. The proposal therefore is that people effectively have 6 months in which to accept the offer. If they have not accepted within that time, they have probably left the Island and lost interest or something of that nature, but there is a safeguard because if they do not accept it within 6 months and there is a good reason, then it can be reinstated for exceptional circumstances. Those, therefore, are the 4 matters that I bring before the Members of this House and I ask that they support this proposition.

The Bailiff:

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

2.1.1 The Deputy of St. Martin:

I want to keep on the right side of the Minister because I want to keep him on the right side of me later on, I hope. Just one little grizzle really. We are told to approve the revised Criminal Compensation Scheme as set out in the attached Appendix. I think it might have been helpful maybe if we had had the Appendix to the actual proposition just to give us an idea of what we were agreeing to. However, the couple of questions I would like to ask of the Minister. I note that it is going to increase the number but the one thing we do have here is that these Members are paid, unlike other people who serve on the Complaints Board or the Review Panel because it was going to come up later on, *et cetera*. These people do get paid and there is no mention about how much they get. We are told they get paid by the hour but could I ask the Minister why - no doubt, this has happened before he became the Minister - but why people are paid for doing this particular job and how much are they getting paid per hour for doing it?

2.1.2 The Deputy of St. Mary:

I too would like to ask a couple of questions of the Minister to clarify what he has brought to us. It is all very clear and most of it is completely acceptable. On paragraph (b), he says that he wishes to increase the amount below which no award will be made from £750 to £1,500 and he calls £750 a small sum. I am not sure that no compensation should be paid below £1,500. That seems to be quite a lot of money to me and I would like him to clarify why the figure of £750 was chosen in the first place as a default minimum and why he thinks that it is right to double it now in this proposal. He talks about common law damages so maybe he would be able to explain that because, in my view, either we have a scheme which does compensate people or we do not. The second question is at the top of page 4 in the Minister's comments about the loss of earnings and basing it on a figure based on the Jersey Index of Average Earnings. You talk about the mean average earnings of full-time equivalent employees. Could the Minister explain exactly to the Assembly what he means by "the mean"?

2.1.3 Deputy J.M. Maçon:

It is on a similar point of point (b). Could the Minister inform the House roughly how many claims are made around £700, £800, £900, because we are doubling this figure and if there are a lot of claims around the £900 bracket, I feel we might be disenfranchising a lot of people so I hope the Minister will be able to clarify on that point.

2.1.4 Deputy A.K.F. Green of St. Helier:

I apologise to the Minister because, although it is quite clear, I had misread this. Had I read it properly, I probably would have brought an amendment to this proposition. £750 is not a lot of money to some people. It is 2 weeks' wages to others and if some people who are low earners lose 2 weeks' wages that has quite an impact, a huge impact, on their way of life. Bearing in mind particularly that in the cases that we have seen in Jersey of some of the assaults, some of those people are not even entitled to benefit and so I would urge the Minister to consider perhaps leaving it at £750 and I would ask for advice from you, Sir, for guidance. When we vote for this, do we vote *en bloc* or could we decide not to accept (b)?

The Bailiff:

No, I am afraid the proposition is to adopt the Compensation Scheme as set out in the Appendix so it is all or nothing I am afraid, Deputy.

2.1.5 Deputy M. Tadier:

I just have a query regarding part (d) where it says about the 6 month period in which any claim will lapse if it has not been claimed, and we were told it is necessary because in the past there has been no period at all so presumably 8 years later in theory you could claim. Of course, that would probably not happen. I just wanted to know where this figure came from, the 6 months. It could be argued that it is fairly arbitrary and just maybe if the Minister can compare that to comparable schemes in other jurisdictions to say whether he thinks it is really long enough. My concern is that if it were a year, for example, it would give people more scope to be able to claim so does he think that 6 months is a sufficient time to claiming?

2.1.6 The Connétable of St. Brelade:

Would the Minister just clarify in his summing up how this Scheme is budgeted for and how he can predict what the claims on it may be?

The Bailiff:

Does any other Member wish to speak? No, then I call upon the Minister to reply.

2.1.7 Senator B.I. Le Marquand:

I am puzzled by the first comment of the Deputy of St. Martin because the Appendix is, in fact, attached to the proposition. I do not know if it has become unattached in his case but the Draft

Scheme is set out in the Appendix. The answer to his question in relation to the hourly rate is they are currently paid £50 an hour which is quite a low rate but... have requested that I review that figure since it has not gone up for a long time and I am considering reviewing that figure based upon the increase in the cost of living index between the time of the last review and the present date. In relation to the question of the Deputy of St. Mary and other comments in relation to the minimum figure, the Scheme never set out right from the beginning to compensate every person because at the bottom end, if you took it right down to the lowest end, then you could have very, very small claims for very, very small assaults and, as a result of that, you would have a massive administration and a large administration cost for the people who are receiving £50 an hour. In relation to the question that was raised as to the meaning of the term “the mean” in the document as opposed to the average, I am afraid I do not know the answer to that question. I am sure that this is a better approach because it is the Jersey figure and it is available, but I do not know precisely how it is calculated. In relation to the comments of Deputy Green, his comments may well have some validity. I have put forward here a revised figure of £1,500 because that was the recommendation and the advice of the people who deal with this. They now felt with the way in which claims had increased in value in the intervening period that that would reflect effectively the same position today as had been the position when the figure of £750 was set. There may be some Members who disagree with that and if so then they should vote... Regretfully I have to say they have to vote against the whole matter. It would be difficult for me to know why people are voting against because if they vote against, they do not say: “I am voting against simply because of this” but I think if people do vote against, I will assume that that is the reason why and will then have to come back to the House with another proposition but without changing the £750. I think that is the only fair way that I can deal with this. In relation to the 6-month figure, I think the assumption is simply this: if a person who has made a claim and has been informed of the result of that claim at their address, then does not follow it up for 6 months, then the assumption is they will not follow it up in 9 months or 12 months or one year or 2 years. There has to be a cut-off point somewhere and there is a safeguard, that if there is a good reason, then it is reinstated. In relation to the Connétable of St. Brelade, I am afraid I did not hear his question because I was trying to find out from my colleagues what “mean” meant.

The Connétable of St. Brelade:

If I may just clarify, I was just asking how the Minister budgets for the scheme and how the budget is determined. What dictates the sort of level that he can possibly apply to it?

Senator B.I. Le Marquand:

We budget with very great difficulty and as a result of that, it was decided that this item would not be included in the budget of Home Affairs for 2009 because it was too open-ended but instead that it go into court and case costs. This was done by my predecessors and I think it is a very good idea. Unfortunately, it has not entirely worked because we are now being pressed by the Treasury to apply more money to it ourselves, even though it is unbudgetable, and there is an ongoing debate on this. I am afraid this is one of these items which you could never adequately budget for. You can just make an approximation. The figure is £275,000 a year is in my head and my colleague to my left, Senator Ozouf, is nodding so it must be right. I think that deals with all the points and hopefully notwithstanding there may be those who disagree with the £750 being raised, I still would ask Members to support this.

The Deputy of St. Martin:

I may have missed it but I did ask what they were paid an hour and why they were being paid.

Senator B.I. Le Marquand:

I am sorry, I will speak louder. I did answer that before but again just to repeat that. They are currently paid £50 an hour but I am currently reviewing that because that has not gone up for a very

long time and I am actively seeking to review that based upon the increase in the cost of living index since it last went up which was something like 11 years ago.

The Deputy of St. Martin:

I did ask also why payment for this particular body and not payment for other people serving other bodies like the Complaints Panel which we are going to be voting for in a minute. I was asking why people get paid for doing this particular job whereas they do not get paid for other particular jobs serving other Panels.

Senator B.I. Le Marquand:

Thank you, I overlooked that. I think the answer is because this is done by lawyers mostly, although not all the people are. It is done by lawyers and it may be difficult to get lawyers to do it for free [Aside] [Laughter] I am afraid, particularly at a rate of £50 an hour. These are realities, I am afraid.

Senator T.J. Le Main:

Perhaps the Minister could give us the names of the lawyers working for £50 an hour. [Laughter] We could then direct some of our constituents who need assistance.

The Bailiff:

Very well. The appel was asked for then in relation to Projet 113, that is the Criminal Injuries Compensation Scheme lodged by the Minister for Home Affairs. I invite Members to return to their designated seats and the Greffier will open the voting.

POUR: 35		CONTRE: 8		ABSTAIN: 0
Senator T.A. Le Sueur		Connétable of St. Martin		
Senator P.F.C. Ozouf		Deputy J.A. Martin (H)		
Senator T.J. Le Main		Deputy S. Pitman (H)		
Senator B.E. Shenton		Deputy M. Tadier (B)		
Senator F.E. Cohen		Deputy of St. Mary		
Senator J.L. Perchard		Deputy T.M. Pitman (H)		
Senator A. Breckon		Deputy A.K.F. Green (H)		
Senator S.C. Ferguson		Deputy D. De Sousa (H)		
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				

Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy J.M. Maçon (S)				

3. States of Jersey Complaints Panel: appointment of members (P.116/2009) - deferred

The Bailiff:

Now, the next matter on the Order Paper is Projet 116 - States of Jersey Complaints Panel: appointment of members” lodged by the Privileges and Procedures Committee and I will ask the Greffier to read the proposition.

The Connétable of St. Mary:

Would it be possible if Members would agree to take this at the end of the Order Paper? I just would like to discuss one thing with the Greffier.

The Bailiff:

Very well, you want to push this down to the end of the Order Paper?

The Connétable of St. Mary:

If I might, Sir, yes.

The Bailiff:

Do Members agree to that being deferred to the bottom?

4. Rôle of the unelected members of the States: review – appointment of chairman and members (P.118/2009) - withdrawn

The Bailiff:

Then we come next to Projet 118 - “Rôle of the Unelected Members of the States: Review - appointment of chairman and members” lodged by the Deputy of St. Martin.

4.1 The Deputy of St. Martin:

Before we go through the process, I would just like to give Members notice I wish to withdraw this but before that, I would like to say that I do believe that this post should have been advertised in the first place. By not doing so I think it has delayed the whole process by a number of months and, indeed, we have only got there - and I am going to pat myself on the back - it is only because I have persistently asked the Minister when was he going to get something happening. The one thing we have now got we have got a very short period of time for anyone wishing to apply to go on the panel. They have only been given a matter of just over a week and it does seem now to be hurried when there was ample time. However, my proposition has achieved what it set out to do. Hopefully, now, we will be able to get the names forward to P.P.C. and back to the States to get the thing rolling, so I would like to withdraw it.

The Bailiff:

Very well, thank you Deputy. So you withdraw Projet 118.

4.1.1 Senator T.A. Le Sueur:

If I may just, in response to that, thank the Deputy for agreeing to withdraw that. I accept that there has been a delay in bringing forward the name of a prospective chairman. I think that delay has to

have been to the good because we now have a prospective chairman whose C.V. (curriculum vitae) I cited earlier in the week and who I believe is one of the finest people we could possibly have got to chair this review. His C.V. and his past experience make him eminently suitable for the job. I am in one way sorry for the delay but in another way glad that we have got the right person by having that delay.

5. Police Act 1997: extension of Part V to Jersey by Order in Council (P.121/2009)

The Bailiff:

Very well. Then the next matter on the Order Paper is Projet 121. Is that a short matter, Chief Minister?

Senator T.A. Le Sueur:

I hope it is a short matter, yes.

The Bailiff:

So you are happy to take that now?

Senator T.A. Le Sueur:

Yes, certainly.

The Bailiff:

Very well, then. Projet 121 - "Police Act 1997: extension of Part V to Jersey by Order in Council" - and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to signify, pursuant to Article 31(1)(b) of the States of Jersey Law 2005, whether they agree that a request be made to the Privy Council for the making of an Order in Council that would extend to Jersey, with appropriate modifications and adaptations, the provisions of Part V of the Police Act 1997 as summarised in the report of the Chief Minister dated 29th July 2009.

5.1 Senator T.A. Le Sueur (The Chief Minister):

This is a proposition brought in my name because it has international involvement. It is really one which the Minister for Home Affairs, I am sure, will want to speak on in rather more detail. Very succinctly, this proposition is essential if we are going to continue to be able to provide the necessary security arrangements we have in respect of vetting and barring for staff that we employ. As of October 2009, new regulations come into force. A presentation was given to Members by the Home Affairs Department to explain why this is essential, how it will operate and I will leave it at that but propose the proposition and invite the Minister for Home Affairs, if he wishes, to elaborate on the reasons why this should take place.

The Bailiff:

Is the proposition seconded? **[Seconded]** Do you wish to speak, Minister?

5.1.1 Senator B.I. Le Marquand:

I want to explain to Members firstly that this is an unusual situation because we are not seeking to approve the precise details of the wording of the document. We have provided copies of this to Members and I perhaps apologise for that because it is quite lengthy and quite complex, but I want to explain why we are simply looking at the principles of this and not at the details. Historically, the extension of a U.K. Statute to Jersey used to happen without any involvement of the States or limited involvement with the States but it was recognised that the States ought to be involved and

that led to Article 31 of the States of Jersey Law which says: "The Chief Minister shall lodge the proposal in order that the States may signify their views on it." That is clarified by paragraph 2 of Article 31 which says that: "If it appears to the Royal Court when a matter comes for registration that the States have not signified their agreement to the substance of the provision of the Order in Council, then they can refuse to register." So we are effectively looking here today at the substance at the principle. The reason behind this is that the final form and wording has to be negotiated with the Home Office with the Ministry of Justice and, indeed, the Department of Children and Families will have some say. Members may be grateful for this, that we do not need to look at the exact wording, as the documents are both detailed and complex. The next thing I need to say is that there is urgency in relation to this matter. If this matter does not proceed rapidly, then we will lose our existing access to the information which we currently receive through the Protection of Vulnerable Adults information called P.O.V.A., the Protection of Children Act, sometimes called P.O.C.A. and List 99 which is the Education Barred List. This is not our fault that we are having to put this forward on the basis that a decision needs to be made rapidly. What happened here was that the U.K. decided to change their entire system in relation to this and they did so without properly considering the effects it would have on Jersey. Once this was realised, a great deal of work has been done and I have to say the United Kingdom authorities have been very co-operative in relation to this in order to catch up and the Law Officers' Department, in particular, have done a great deal of work - I pay tribute to that - at short notice but this was not our fault in any way. Two things had to happen in order to enable us to keep our present level of access to criminal records, police intelligence and the P.O.V.A., P.O.C.A. and List 99 information. It is vitally important that we continue to have access to this in order to safeguard children and vulnerable adults with full and proper checks being made with the best available information of potential employees and volunteers and others working with vulnerable adults and with children. Two things had to happen. The first thing has already occurred by means of legislation passed in the U.K. enabling the U.K. authorities to continue to give us access to information in the way of police records and that kind of thing, and this is the second thing. If the States agree to the principle of this today, then more work will need to be done speedily so that the wording can be finalised and approved in time for it to be passed by the Privy Council on 15th October 2009 and registered by the Royal Court as quickly as possible thereafter. There will still be a gap from 12th October 2009 until registration but hopefully this can be kept as short as possible. I would remind Members or bring to the attention of Members that there are already quite substantial delays under the present system, sometimes as long, so I am told, as 3 months and we really cannot afford that to be lengthened any further by reason of delays. Under the present system when a police check is done in relation to an employee or volunteer, 2 things happen. Firstly, the States of Jersey Police do a criminal record check locally and nationally. They look at their own local information and they also obtain, via police forces in areas where a person has lived previously, such information and intelligence as they have. That requires at the moment considerable co-operation from other police forces. Secondly, at the same time, depending on whether this comes through Education or through Health and Social Services type of area, those organisations have access to the parallel organisations in the U.K. who act as our agent in relation to getting access to the P.O.V.A., P.O.C.A. and List 99 matters. That the present arrangement ... I have to say that present arrangement was very tenuous, because it relied upon co-operation from organisations in other places, and also we had no legal right to it. All that will change with effect from 12th October 2009 in the U.K. when all the relevant information from all sources will be centralised in the Independent Safeguarding Authority; and from that date onwards applications will have to be made to the Independent Safeguarding Authority through the Criminal Records Bureau. Now, if we do not agree to the principle of this Order in Council, and if it is not brought into place, then we will completely be cut off for access. But if we do, then our access will be guaranteed in a way that it has not been in the past. So, this represents an improvement. The U.K. system, I have to say, represents an improvement also, because it brings all the information from all sources together in one place, and that has got to be a good thing. However, in July 2010 the new U.K. vetting and barring system will start and information held in the U.K. on individuals will start

to be automatically updated. In other words, the U.K. are ahead of us on vetting and barring; their system is going to kick in; the updating of information will start, and that will start from July 2010. We have to make future decisions as to how we will fully relate to the new U.K. vetting and barring system. But this proposition is not about that. I must emphasise that. We are not today making any decisions as to how we are going to implement our own vetting and barring system in parallel. We are simply ensuring that we can continue to gain access to the existing information in the modified route which has been created in the U.K. What this proposition is seeking to do is to make provision for us to continue to have access in 2 stages, and that is one of the reasons why the documentation is so complex, because it is making provision for 2 stages. The first stage is from 12th October 2009 to July 2010, and the second stage is from July 2010 onwards, where the Order in Council has to slightly be modified. Provisions have to be slightly modified in the second schedule in order to deal with the changes which then take place in the U.K. Finally I need to mention cost, because I know that cost has been a matter in relation to which there has been concern. For applications to the C.R.B. (Criminal Records Bureau) from 12th October onwards, there will be a charge of £36 per check for people who are employed or post-holders, but not for volunteers. In other words, for those coming through charities there will not be a charge as there is indeed, as I understand, not at the moment. The issue will arise inevitably as to whether, in addition to that £36, there will need to be a charge made locally. Decision has not been made on that, but I am told that if that is deemed to be necessary, it will be something of the region of £10 to £15 per check for those who are not volunteers, to cover our administration costs. But no decision has been made on that and, indeed, the Members are not being asked to decide that today. So, focusing the attention again of Members on the fact that this is simply allowing us to retain access to the existing systems, although we will then have access in a better way, the last thing I need to say is this: of course, I have a lot more work to do on this because what is going to have to happen is that when the final wording is negotiated - and we are nearly there - I will have to go through and approve in conjunction with the Law Officers' Department; and I simply am asking Members to trust me in relation to that. I do have certain expertise in relation to the approval of legislation. I briefed my Scrutiny Panel yesterday, and gave them an undertaking that if I came across anything that either went beyond the ambit of what I have revealed today to the House, and I do not believe there is anything, or if I came across anything which I deemed controversial, then I would come back to them, so that they also approved the final wording in parallel with me, and that is what I have agreed. But I ask Members simply to approve this. We are approving the principle so that we can get on with this and so that we will continue to have access to this vital information.

5.1.2 The Deputy of St. John:

As a former member of the Home Affairs Committee this, in fact, was known to me 4 or 5 years ago. I wonder now it is all at the end of its days, September or October, why this grey area between the Jersey Police and the U.K. Police on the records side, is set to rush. Have the Council of Ministers brought this at this eleventh hour so that it will not be properly scrutinised, because that is of concern? As I say, I have been aware of this for a number of years, that we were working in a grey area when we were getting information from our U.K. colleagues. This was brought to our attention by the Police Chief at a number of our various meetings. That being the case, I will be interested to hear the Chief Minister's answer, because if he is just trying to push this through at the eleventh hour, he will not be getting my support. I am heartened, though, that the Minister for Home Affairs is looking at this, and is taking this forward, because there are a couple of concerns which I hope that he will look at: the arrow 4 under number 7, the limited rights of appeal; and also under 13 and 14. If somebody could elucidate a bit more on that for us it would be useful. But I must raise yet again the concern I have by the Council of Minister bringing this forward at the eleventh hour, when this could have been brought forward much sooner. But finally, I am pleased that Senator Le Marquand has got his teeth into this in the short period of time that he has been in office.

5.1.3 Deputy K.C. Lewis:

I welcome this proposition because I believe it will further safeguard children and young adults. My only question to the Minister is, will this be dovetailed with Guernsey, Alderney and the Isle of Man as well as the U.K.?

5.1.4 Deputy A.K.F. Green:

First of all can I thank the Minister for Home Affairs for the presentations he gave us during the break, which were most informative on this matter. This is a pragmatic approach, I believe, and I think we should support it. Where the current system is falling apart, which is why the U.K. have changed it, is when we in Education often have teachers we wish to offer contracts to and have to wait 3, 4, 5 months even sometimes before we can get the appropriate clearance before employing people. We have had occasions within the Youth Service where people - and I can understand why - will not resign their current post until we can give them a firm contract, and we have not been able to do that for several months. We do need to dovetail in with the U.K. It would also help organisations because, as I understand it, once a person has a registration they will have a number which the employer will be able to use to quickly check whether they are currently cleared. Maybe the Minister would answer that one for me. That would speed things up. The thing that I particularly like about it is that if we go down this route, it continues to collect ongoing intelligence, because it is a big problem up with the current system. For example, if no criminal prosecution or action was taken against an individual working with vulnerable adults but they were dismissed under suspicion, currently that may not be picked up under the current scheme because there was no criminal prosecution. Under the new schemes I understand, but maybe the Minister again will clarify for us, there is an obligation on employers to inform central records that this has happened. So I would support this. It is ongoing and out of the dreadful events like the terrible event we saw Soham.

5.1.5 Deputy J.B. Fox:

I shall definitely be supporting this. It has been long overdue. But it nevertheless still has its limitations, and I will be interested if the Minister for Home Affairs could briefly make an observation or a comment about our international residents that come to this Island from either Europe or Commonwealth or elsewhere that might not fall into the U.K. category, and what safeguards are being introduced or are being looked at, without obviously going into detail, that would protect our citizens and others from the paedophiles and others that are circulating around the globe. I know it is an impossible task, but if he could enlighten us further and advance that I would be most grateful.

Senator B.I. Le Marquand:

There is a difficult position about to arise here, that you will be aware of and I am, of course, which is I am not proposer. I therefore do not have the right of appeal, and yet I know a great deal more about this, with respect to the Chief Minister, than anybody else in the House. Is there some mechanism by which people can seek to clarify what I said so I can answer questions? Because otherwise I fear for the Chief Minister.

The Bailiff:

Perhaps if you go and sit beside the Chief Minister when he replies. I fear it must be for the Chief Minister to reply according to the rules. I suppose the alternative would be for you to have acted as rapporteur.

5.1.6 The Connétable of St. Lawrence:

As the Deputy of St. John said, he had been a member of the Home Affairs Committee and knew about this about 5 years ago. As a member of the Education and Home Affairs Scrutiny Panel, I learnt about this probably nearer 3 years ago, and I too am concerned that there seems to be a rush now to bring this forward to the House. I do think we require a detailed explanation from the Chief Minister as to why that is the case. Having said that, I do have a couple of other questions which I

would like the Chief Minister to respond to. Will he confirm whether this is going to apply retrospectively? I do not think I heard the Minister for Home Affairs refer to that when he spoke. Will he also confirm or advise the House from where the initial budget allocation of £98,000 will come, because I cannot remember whether the former Minister for Home Affairs told us that it would come from the Customs' budget or the Discrimination Legislation budget. I think we should know from where it is coming. Also, the fact that it is intended that an administrative charge will be introduced to meet the full costs of the service; will that charge as a new user pays policy be brought back to the House for debate?

The Bailiff:

Does any other Member wish to speak? Very well. I call upon the Chief Minister to reply.

5.1.7 Senator T.A. Le Sueur:

One of the perils about being a Chief Minister is that when the law requires propositions to be brought in my name I have to present them, even though I would far sooner have delegated that job to the Minister for Home Affairs, who certainly does know a lot more about this subject than I do, and more than any of us do, I am sure. Nonetheless, I will respond on his behalf with the knowledge I have, and hopefully if I say anything wrong he will look daggers at me. I do thank those who have spoken, and I appreciate the concern of the Deputy of St. John and the Constable of St. Lawrence about the seeming haste in which this matter comes to us. Of course, it takes 2 parties to reach an agreement on these sorts of matters, and while it is very important from our point of view, and maybe the most important thing to the Minister for Home Affairs, to the U.K. authorities this is just one other of a myriad of activities which they have to pursue. So, although we have known about this for some time, the negotiations, however fast we pursue them on our side, are dependent on the speed and the willingness of the other side to work as well. While we have had that co-operation, it has not been instant, and it is, as the Minister for Home Affairs said, quite a tricky technical subject, and is still ongoing. Indeed, as the Deputy of St. John's questions, questions like the right of appeal need to be ironed-out to the satisfaction of the Minister and his Scrutiny Panel. Deputy Lewis questions how it works with Guernsey, and I would refer him to paragraph 15 of the report, where it confirms that Jersey and Guernsey have been working together very closely, and that Guernsey are establishing a sister vetting bureau for themselves. On the other hand, for Deputy Fox on external staff, for staff coming from countries other than the U.K. we have always had a difficulty and this does not change that difficulty. That is why in general we tend to employ staff from the U.K. where we can make those inquiries, because otherwise we are in a far more vulnerable situation, to the extent that there is increasing reciprocity that may be improved upon, but this simply is not a panacea to all ills. This is simply a practical solution, this proposition, to ensure that we can continue to maintain the links that we currently have and to improve upon those links with the U.K. As Deputy Green says, this is very much a pragmatic view, but it is a move forward in that the U.K. will in future, by the second phase in 2010, maintain its ongoing intelligence situation so that records are up-to-date, and it is not a question of if you fall in on day one, then that is all right for ever. As to the Constable of St. Lawrence's other questions: will this apply retrospectively, the answer as far as I am aware is, no it will not. This is something that will happen once the Order in Council is implemented. Where will the money, the £98,000 come from? It will come from the Home Affairs budget, and the Minister for Home Affairs has already made allowance for that within his budget. As for administration charge, as the Minister said in his opening remarks, that is still under consideration, and if it did involve a user pays charge then, under the current regulations of the States it would have to come back to the States for approval. But that is a matter for another day. At this stage the proposition is relatively narrow, and it is just to extend this arrangement in order that we can continue to obtain the very necessary information we need as from October 2009. I maintain the proposition, and I ask for the appel.

The Deputy of St. John:

On a point of clarification before I vote, Sir: will the right of appeal, *et cetera*, come back to the House for us to debate?

Senator T.A. Le Sueur:

No. The Minister for Home Affairs made that clear, that any question of an appeal would be discussed between him and the Scrutiny Panel. In any case, should there be a question of appeal, that would be in a later stage; not as part of this particular legislation, so I am advised by those who know.

The Connétable of St. Lawrence :

If I may, a point of clarification: I would just like to know for certain whether it will be retrospective, because the former Minister for Home Affairs advised my panel that indeed it would be.

Senator T.A. Le Sueur:

I should perhaps answer the question by asking one of the Constable as to what she means by retrospective. If it refers to information available in the past, that information available in the past will continue to be made available to us in the future. So we will get that degree of retrospectivity. Will the extent of the law apply retrospectively? No, it will not. Information that we get under the law will be available to us, even if it was retrospective information. I hope that clarifies the situation. If the Constable is still unclear ...

The Connétable of St. Lawrence:

I wonder if I may make just a brief point. The former Minister for Home Affairs advised my panel that for those employees within the States departments to whom this would apply in the future, it would apply to those who are already employed.

Senator T.A. Le Sueur:

That is the case.

The Bailiff:

Very well. The appel is called for in relation to Projet 121 lodged by the Chief Minister. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				

Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Deputy of St. John:

On a point of procedure, could P.P.C. look at the delegated powers of the Chief Minister given that it would have been very useful I am sure today for him to be able to delegate that particular job to Home Affairs?

The Deputy of St. Martin:

Is this a good time to propose the adjournment, Sir?

The Bailiff:

Yes. There is one matter though which I think the Connétable of St. Mary had indicated she would like to deal with now, which is the question of when the Assembly will sit on the next occasion. Is that right, Connétable?

The Connétable of St. Mary:

Yes, Sir. There are 2 things I would like to say. Firstly, as Members will know, I did ask for their consideration of a start on the Monday afternoon at 2.30 p.m., but also to bear in mind that starting the sitting proper on the Tuesday morning we would still anticipate Members needing to go through until the Friday, which would be a fourth sitting day for that week also.

The Bailiff:

Very well. Are you proposing now, Chairman, that the Assembly sit at 2.30 p.m. on the Monday?

The Connétable of St. Mary:

Yes, Sir. That is my first proposition.

The Bailiff:

Seconded? **[Seconded]**

The Deputy of St. John:

Could I bring a counter proposition that we start at 2.00 p.m.? We have got a lot of work to do, and I would like to propose we start at 2.00 p.m. as a counter-proposition.

The Bailiff:

We have got a proposition first which has been seconded, that we start at 2.30 p.m. Just to take this sensibly, Chairman, are you wedded to 2.30 p.m. or are you happy to start at 2.00 p.m.?

The Connétable of St. Mary:

It is just that there have already been some representations made to me from Members who already have meetings scheduled for the morning which are likely to run on. There is also the fact that we would only be meeting to discuss the normal organisational business which has a limited time anyway. So we would not achieve much more than that in the afternoon sitting. I think that 2.30 p.m. is a sensible start. I have had representation from some people who say they may need meetings on that day. I have taken a note from the Economic Affairs Scrutiny Panel, but their vice-chairman has confirmed to me there is no meeting. It seems an optimum time to start at 2.30 p.m.

The Bailiff:

But your proposal is not for the debate on the Business Plan to start at 4.30 p.m. or something on the Monday. If the business of the Assembly is finished by 4.30 p.m. the Assembly rises. Is that right, and starts the Business Plan at 9.30 a.m. on Tuesday?

The Connétable of St. Mary:

Yes, Sir. That is my proposition.

Deputy M. Tadier:

Can I also just make the point to back up the previous speaker? I believe there is already a meeting scheduled at the St. Paul's Centre from 1.00 p.m. to 2.00 p.m. to do with energy, which I believe a lot of Members will want to go to. I think that is correct. It is on 21st September. That is from 1.00 p.m. to 2.00 p.m. So, to start at 2.00 p.m. seems an absurdity. 2.30 p.m. would give a nice window for people to have a bite to eat and then come back at their leisure.

Deputy R.G. Le Hérissier:

Am I to assume, Sir, that today's remaining items will be put over to ...

The Bailiff:

No, the Assembly at the moment is due to sit tomorrow morning to complete the rest. The Assembly has already agreed to not sitting this afternoon, I understand.

Deputy R.G. Le Hérissier:

To fill the time available.

The Bailiff:

Does any other Member wish to speak on the proposition of the Chairman of the P.P.C. about the next sitting?

Connétable G.F. Butcher of St. John:

It is a point of procedure more than anything. Given that all of us diarise the States meetings to make sure that we are around, I am out of the Island on Monday, so I do not come back until the evening. Now, I would wonder whether, as a point of procedure, you can be marked as excused rather than défaut in cases like that, Sir? I think the answer must come from you on that one.

The Bailiff:

Well, I think it is a matter for Members at the time, because the question of excusing people is a matter in fact for Members, rather than the Chair. So if, on the Monday, your situation is explained it will be a matter for Members whether they excuse your non-attendance.

Senator P.F.C. Ozouf:

Just very briefly, I think that this is an excellent suggestion by the Connétable of St. Mary, not because we are just trying to find time to do the debates, but I think that important set-piece debates such as the Business Plan and budget should start at an agreed time at the start of a day when we are fresh. So, I think this is a really innovative solution. I think that it would be useful to trial it for the Business Plan, but maybe if it works, then we can replicate the arrangement and give Members a certainty, since the Connétable of St. John is quite right to say it is unfair when Members have made arrangements. But I would regard this as a trial and if it works, then that would be a great way, I think, of giving certainty at the commencement of a big set-piece debate so that this Assembly is here to debate.

The Bailiff:

Very well. Does any other Member wish to say anything?

Senator S.C. Ferguson:

I would just support the 2.30 p.m. start. The Public Accounts Committee is meeting, and its meetings normally run from 12.30 p.m. to 2.30 p.m., and as it happens on that day it is intended that the Corporate Affairs Scrutiny Panel will be meeting with the Public Accounts Committee. So, there will be a sort of substantial number of States Members who will be tied up until 2.30 p.m. that day.

Senator A.J.H. Maclean:

Just one point, Sir: the Chairman of the Economic Affairs Scrutiny Panel did indicate to me that he and his panel were planning to hold some hearings in regard of the Depositor Compensation Scheme on that particular date. He is clearly not in the House at the moment, but I wonder if the Deputy Chairman could confirm. I clearly do not want to be in a position, and I am sure Members do not, that the Depositor Compensation Scheme report is held up and we cannot debate it on 20th October. I am sure the panel are very advanced having had all the time they have, but I just wanted to raise that point; I think it is important.

The Bailiff:

Is there anyone from that panel?

Deputy C.F. Labey of Grouville:

Yes. I can confirm we have no hearings set for that afternoon, so we are perfectly happy to come to the States then. However, with the comment that the Minister hopes that we are not held up: the only thing holding us up at the moment is trying to secure a meeting with Oxera and the Minister himself. [Approbation] [Members: Oh!]

Senator A.J.H. Maclean:

If I could just answer that. [Laughter]

The Deputy of Grouville:

Clarify.

Senator A.J.H. Maclean:

Clarify is perhaps the way, and this would be a genuine clarification. With regard to the panel's wish to meet Oxera, the panel did contact my department on 24th August. The department

confirmed the following day that Oxera could meet them on 25th September, which I understand the panel accepted. It was only in the last few days the panel are now suggesting that that particular date is not suitable for whatever reason. With regard to a meeting with myself and anybody else from Economic Development, we are available at any time, which has been made absolutely clear to the panel.

The Deputy of Grouville:

I am delighted to hear that because his department confirmed to the Scrutiny Officers that he could spare us one hour on 25th September. So I am delighted if he can spare any time.

The Bailiff:

I think we have taken that matter as far as we can. **[Laughter]** Now, if we can return then, does any other Member wish to say anything on the proposition of the Connétable of St. Mary. Very well. All those in favour kindly show. Those against. The proposition is adopted. Very well. So, the Assembly will sit at 2.30 p.m. on Monday to begin its normal business, but will not start the Business Plan debate until 9.30 a.m. on Tuesday, and I just remind Members therefore, that if they want to get in any written questions, they must be in by tomorrow at 9.30 a.m.; oral questions by noon on Wednesday, 16th September as I indicated earlier.

The Connétable of St. Mary:

If I could then just follow on to say that what I just said in my preamble, that I do anticipate that the meeting will take 4 full days of debate, so Members should be prepared to sit on the Friday as well of that debate week.

The Bailiff:

Very well. So, the adjournment is proposed. Therefore the Assembly agreed it would not sit this afternoon, and so the Assembly will sit at 9.30 a.m. to complete the remaining matters on the Order Paper.

ADJOURNMENT