

3.16 Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding the credibility of the referendum proposed for October 2014:

Given the apparent inability of P.P.C. (Privileges and Procedures Committee) to promote the relevant legislation - perhaps overtaken by the report today - as explained in a written answer on 3rd June 2014, what alternative steps, if any, is the committee taking to ensure the credibility of the referendum proposed for October 2014?

Deputy J.M. Maçon of St. Saviour (Chairman, Privileges and Procedures Committee):

Members will note that P.P.C. today have lodged the necessary Draft Referendum Act to enable the referendum agreed in November 2013 to take place in October if the Act is approved by the States in July. P.P.C. has also presented today a report to the States setting out the outcome of our review of the Referendum Law, in response to Deputy Le Hérissier's proposition that was adopted earlier this year. Our report sets out a number of ways in which referenda could be more effective in the future and recommendation 2 is particularly relevant. P.P.C. recommends that a referendum should, if at all possible, be held on the same day as a general election in Jersey where the electoral turnouts will be at the highest. If as many or nearly as many people vote in the referendum in October as generally participate in the Island-wide elections, the result will have considerable weight and we hope that in this mechanism that will give greater credibility to any referendum ongoing in the future.

3.16.1 Deputy R.G. Le Hérissier:

Given the report of P.P.C., which obviously not everyone has read, could the Chairman elaborate upon why a percentage has not been accepted? He argues that it will simply follow that of the turnout. Why then does he support the States apparently having a threshold for the voting in of constitutional provisions?

Deputy J.M. Maçon:

When we looked at the different examples internationally there does tend to be a discrepancy between. When referendums are held on the same day as general elections they tend not to be a threshold, with the understanding that it is very difficult for elect parliamentarians to dismiss something that is brought in at the same time with the same mandate as they have been elected, for example, which is why P.P.C. suggested that holding a referendum should occur at the same time as general elections. In our report it does go on to analyse how thresholds could be woven-in if that was deemed desirable should a referendum be held outside of a general election, but P.P.C. is of the opinion that referendums should be held at the same time.

3.16.2 Deputy S.Y. Mézec:

Does the Chairman agree with me that rather than dumbing-down and fuelling cynicism on this referendum that this proposition is excellent and States Members from across the board should be backing this and backing a yes vote so that we can finally end this issue that has plagued Jersey politics for so many years?

Deputy J.M. Maçon:

Ideally, yes, but Members will have to make their own mind. What I would hope is that - regardless of what individual Members' opinions are - they would agree that the public should have the right to vote on the Clothier proposals and get this issue sorted because if we do not it will come back to this Assembly time and time again. It is better just to put it to bed one way or the other and get it sorted.

3.16.3 Senator I.J. Gorst:

Could the Chairman explain in his view whether he thinks bullet point 3 means that we will have single seat constituencies or more than one-seat constituencies, and how does he see that interrelationship working?

Deputy J.M. Maçon:

With regards to bullet point 3 of the actual referendum question. My committee did discuss when we went out to focus groups about how it should be performed. What came back was the understanding of what single-seat constituency meant out there to the wider public was not well understood, and therefore going back over what was in the Clothier report, and we analysed it again, we saw that in the report while the issue is not specifically addressed, reading the report it does suggest that when Clothier looked at the model which the States currently have, redistributing the seats among the Parishes in the form that we have currently does seem to be it. However, I would draw Members' attention to the line in our report where we suggest this particular aspect should be dealt with by an independent boundaries commission to look at best international practice and design the seats accordingly because we found that, again going to the focus groups, if we were to drill down - and I appreciate I am not presenting the Referendum Act at the moment - into exactly where the constituency lines are going to be that causes people to focus on what street they are in rather than the general principle, which P.P.C. was minded was more important to settle.

3.16.4 Connétable J. Gallichan of St. Mary:

Following on from what the Chairman has just said: can he confirm whether all members of the Island will have the same number of votes because I cannot see how this referendum question makes that clear?

Deputy J.M. Maçon:

No, I cannot confirm that at this time. That would be for the independent boundaries commission to decide that question, should the States adopt this particular way forward, and they may choose not to do so. But I hope that they would.

[11:15]

3.16.5 Deputy R.G. Le Hérissier:

Again, I echo maybe what was implicit in Deputy Mézec's comments. It is a good report in many respects although they laboured mightily to reach the commencement decision – over-mightily. Could the Chairman confirm that irrespective of whether there is a very tight result they will be seeking a referendum based on the principle of a binding vote and a vote which takes place at the same time as the general election on the assumption that there will be a higher turnout? Can he confirm that those 2 principles will be supported in the proposed Referendum Act?

Deputy J.M. Maçon:

If I take them in reverse order: yes, for the second one because we have asked for the referendum to be held on the same day as the general election. We would hope that it would be an election issue. We would hope that candidates would be drilled on that particular aspect to give commitments one way or the other, but as the way it is currently formed, as we explained in our report to States Members, will be free to vote as they see with their conscience but we would hope that with the commitments made during an election Members would stick to those. As I am sure many of us will do and continue to do.

3.16.6 Deputy R.G. Le Hérissier:

I am a little, as ever, confused. Is the committee going to propose that the referendum through the commencement route that it has outlined, that it be a binding referendum?

Deputy J.M. Maçon:

As explained in our report. The only way to do that was to have this Assembly pass legislation with the caveat of it being subject to a commencement date. Unfortunately my committee has not been able to do that in the timeframe that we have, and therefore we are not, at this time, able to pursue that route, although in future my committee has suggested in our report that that is the way forward that we should go. But unfortunately at this time we cannot do that.