

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 18th JULY 2007

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

PUBLIC BUSINESS – RESUMPTION

1. Composition of the States: revised structure and referendum (P.75/2007) - amendment (P.75/2007 amd)

The Bailiff:

We now continue with the debate on composition of the States. The next amendment for consideration is an amendment in the name of Deputy Baudains, and he is, I understand, to propose his amendment to paragraph (a), together with the consequential amendment to paragraph (d). I ask the Greffier to read the amendment.

The Greffier of the States:

For subparagraph (a)(ii), substitute the following subparagraph: “(ii) 36 Deputies elected as at present on a Parish or constituency basis.” (2) For subparagraph (d)(i) substitute the following subparagraph: “(i) Proposals on the distribution of the 36 Deputy seats to ensure an allocation of seats across the 12 Parishes that is as equitable as possible.”

1.1 Deputy G.C.L. Baudains of St. Clement:

Could I just, first of all, point out that during my opening speech I intend addressing parts one and 2 simultaneously, because they are clearly closely linked together. Sir, changing the constitution of this Assembly is not something that should be done lightly. We have a responsibility to ensure that any changes are for the right reasons, Sir, and mindful of that responsibility. The previous attempts to debate the subject were, in my view, a shambles, bringing no credit to this Assembly. Also, mindful of the fact that it has become a habit over the years for Members to express all their thoughts on the amendment, leaving little to discuss once one returns to the main proposition, amended or otherwise, I decided I would spend more time on the groundwork than I normally would. Also, as Deputy Southern’s amendment has come between the opening speech of the proposition and this amendment - and the fact, of course, that was yesterday - and also, I am reminded that quite a number of Members were missing from the Chamber when that opening speech was made yesterday - I think there were only 5 Senators and 6 Constables in the House at the time - I think perhaps a reminder of some of the comments made will not go amiss on this important debate. I do that, Sir, because I am anxious that Members should not go off in interesting directions, looking at all sorts of alternatives, because I believe that if we do that, we will have another shambles and get nowhere. We certainly cannot afford another episode such as the last time we debated this because, Sir, I can anticipate the speeches: “Well, I would support this amendment, but I want a slightly different option from the 2 available.” Each Member will then go on to outline their own option; we will have 53 variations, and then some bright spark will suggest we put all 53 variations to a referendum. So, with the Chair’s indulgence, Sir, and, of course, Members’, I would like as briefly as I can to outline how we have got to where we are, and why there are only 2 options for change. Because otherwise I am, as I say, concerned that the debate will go off in all sorts of interesting directions away from the main issue. I am hoping, Sir, that Members, having been reminded why there are only 2 options, will avert themselves from going down that route.

The Bailiff:

Deputy, I quite understand what you are saying, and so far as the Chair is concerned, I think it is perfectly in order for you to explain the background to your amendment. But I hope that you will do so relatively briefly, because I do not want to open up the possibility of a general debate on all kinds of other things apart from the subject matter.

Deputy G.C.L. Baudains:

That is what I am trying to avoid, Sir, by so doing. I would also add, Sir, that if, during the forthcoming debate, Members believe that neither option is better than the status quo then the

proper course of action is to speak and vote against the proposition. My amendment is not the time for their input. So, why are there only 2 options, mine and that of the P.P.C. (Privileges and Procedures Committee)? Well, Sir, I thought a good analogy was in choosing a winner. Whether it is a competition, or applying for a job, you cannot have 300 finalists on the stage; the judge's task would be impossible. So, you have the eliminating rounds, where you get down to the best possibilities. In this case, Sir, P.P.C. achieved that elimination by asking the public for their preferred options. Unfortunately, some people, Members included, have chosen to challenge those eliminations, which were made by a MORI (Market and Opinion Research International), usually because MORI's results did not come up with their own preferred option. The same people, I have noticed, are quite keen for their own proposals to be put for a referendum, which I find somewhat illogical. Sir, the results of the 2 MORI polls were carefully analysed, so I would hope that Members, when they speak, do not undermine that process by suggesting it was not robust. On the many issues, the results of those MORI polls showed no clear-cut preference, but 2 things that did emerge as majority views were a single election, and keeping the Connétables. Of course, it is a single election day which has led to the proposition and to my amendment. The preference for a single election day arose mainly - not solely, but mainly - because half of the Senators remain at each election. Of course, that was designed for a specific purpose but, unfortunately, the public see that, together with the Constables, forming a nucleus that somehow perpetuates the establishment line. I doubt that is the case but, nevertheless, it is a view widely held by the public. So, effort was concentrated in finding a working way of achieving a single election day, which is not as simple as some people have imagined. Because, although a single election day sounds simple, it would be impossible without changing the constitution of the make up of the States. You cannot elect 3 different classes of candidate on one day. How do you reconcile a 6-year term of a Senator with the present 3 years of a Deputy? Leaving aside the possible confusion with ballot papers, I cannot really imagine what hustings, posters, and canvassing would be like with, basically, 3 separate elections going on simultaneously. Those members of the public who were not confused would certainly complain of being harassed. It is more likely, I think, to reduce voter turnout than increase it. So, the constitution has to change if we are to have a single election day. What are the options? An Assembly of Connétables and Senators elected on an Island-wide mandate would be unworkable. What would the hustings be like? Maybe up to 100 people on the stage of hustings? Quite impossible. The question of selection: at present, some people, as we heard yesterday, have difficulty in choosing 6 Senators from a dozen or so candidates. Imagine choosing 53, or 48, from 100. I think it would be anybody's guess who made up the last 20 or 30 places, that is assuming we had sufficient applicants. What happens if such a circus left us short of Members? The logical alternative, Sir, is to have Deputies with numbers suitably increased to make up the loss of Senators. Unfortunately, that does away with the Island-wide mandate that people believe is appropriate for ministerial office. The simple and unavoidable fact is, without a party political system - by which I do not mean just the mere existence of parties, I mean a government based on parties, as in the U.K. - you cannot have an Island-wide mandate together with a single election day. So, as with many things in life, a compromise was sought, and the Privileges and Procedures Committee looked at 2 options. Increasing the number of Deputies to compensate for losing Senators while at the same time reducing overall numbers, which happens to be my amendment, or a similar constitution but with super-constituencies. People would be elected to half a dozen areas, instead of individual parishes, the idea being that this would go some way towards mitigating the loss of an Island-wide mandate. In both cases, the Connétables would be retained, for 2 reasons. Firstly, the results of the MORI poll suggested that more people wanted to retain the Connétables than remove them. Secondly, should P.P.C.'s preferred option of super-consistencies be adopted, removing the Connétables would remove the only remaining direct link between the Parish and the States, something I believe Deputy Southern's amendment yesterday overlooked. I realise, Sir, there are some Members - a minority, I believe - who want the Connétables to go. Maybe it has something to do with the Connétables not regularly supporting their propositions, I do not know. But as you mentioned just before I spoke, Sir, there are any number of permutations of a future

Assembly, but like the competition analogy I used earlier, contemplating dozens of options will only confuse the issue, and will ultimately ensure we make no progress at all. If anybody does want to remove the Connétables, I say support one of today's 2 options. Either would be a positive first step, from which it would be relatively simple to remove them at a later date should there be a desire to do so. But to carry on that line now will ensure, in my view, another shambolic debate, the outcome of which would ensure that the Constables stay, anyway. Also, Sir, I will just quickly point out that the idea that they should not remain because they are only ex-officio Members is taking advantage of a constitutional quirk. As I said yesterday, everybody who votes for the Constable does so in the full knowledge that person will be sitting in this Assembly. Hopefully, Sir, I have now adequately explained how we have got to where we are, and why, if Members go down the route - as I fear that some are inclined - to not support either option but to hold out for some other permutation, then the status quo is guaranteed. We cannot put 53 options to a referendum. We cannot put more than 2, a Yes or No option. Why is that? Well, imagine we put 3, because I know some Members are suggesting we could put both options to a referendum, or we could put 4 options. If we put 3, for example, then look at the maths. If we assume 20 per cent of voters vote for no change, and the rest are fairly equally divided between the 2 options, what would this Assembly do? With 40 per cent asking for one change, an equal amount asking for another, how could we decide which one to implement? We would end up implementing none, which would be going against the 80 per cent majority. That is why we have to make the decision. With the exception of the Connétables, who are supposed to be delegates for their Parish, the rest of us are representatives. I believe that is correct, and it is a subtle but important difference, because it means that Senators and Deputies are here to judge for themselves what is in their constituents' best interest, which may not always be what they ask for. That is what we are judged on, manifested at election time. So, Sir, today is the time to live up to that responsibility and show some leadership. Which of the 2 options best reflects not only the wishes of the people, but will also deliver robust government? As I said a moment ago, Sir, this debate will no doubt follow the usual pattern; the entire debate will hinge on speeches to the amendment, and that is perhaps no bad thing. But Members should remember that the main proposition will be the time they decide whether we put the idea of change or not to the public. It does not mean we decide to have change or not; it is one step further along the road. So, what we are looking at, Sir, is a House of Connétables, together with an increased number of Deputies to mitigate the loss of 12 Senators. Overall, a reduction of 5 Members. The only difference between P.P.C.'s proposition and my amendment is how the Deputies are elected, and who they represent. P.P.C.'s preferred option is for super-constituencies, a halfway house between an Island-wide mandate and local representation, while still ensuring manageable elections. However, the reason why I brought the amendment is I believe the disadvantages of that option slightly outweigh the advantages, and that is why my amendment keeps Members elected on a parochial basis. P.P.C.'s large constituency option, created by amalgamating parishes - because creating new boundaries would be far too much upheaval at one time - has been said to pose a risk to the parish system, and I have to admit I have sympathy with that view. I am also concerned, Sir, at the practical implications. At present, most people know which Parish they live in, and when they have a problem, or want to express an opinion, they contact their Deputy or Connétable. I am not sure if they would understand, or have the same feeling for a situation with super-constituencies. Would there be the same connection? Because, with Deputies now being area representatives, they are no longer tied to any particular Parish. Would people know whom to turn to, and perhaps, more importantly, would those Deputies - and I presume we are going to carry on calling them Deputies - give equal attention to each Parish within their constituency? We do not know. How would St. Helier fit into the system? Would it remain as one unit, in which case it might be overbearing to the other parishes, or would it be divided up and shared out between other super-constituencies? Let us not forget that St. Helier holds one-third of the Island's population, so I cannot see how we could escape dividing it up. I believe that, in itself, would create a confusion that would outweigh any benefits. What about Parish Assemblies? With Deputies no longer being Parish representatives, which Parish meetings, if any, would they

attend? If they are representative for 2 or 3 different parishes, do they go to all 2 or 3 Parish Assemblies, or only one of them? I believe a disconnect between the public and their representatives is a danger. I was thinking about this, Sir, so I thought I would take a hypothetical example and think of a new constituency. Presumably, they will have to all have names so, I have called mine the Grosnez constituency, consisting of some of St. Peter and St. Mary. Now, St. Mary is quite small; St. Peter, with its airport, no doubt has issues of fairly major public importance. Is it not, therefore, likely, when the 6 candidates for that Grosnez constituency are elected, the majority of them would be on a St. Peter-oriented manifesto? Does that not mean, ipso facto, that most, if not all, representatives would probably be from the Parish of St. Peter? My concern, then, is what chance when little St. Mary has problems and there is a debate in the House and the Parish needs to persuade the States Assembly to do something, what chance that those representatives will support St. Mary? I suggest that, consciously or not, those representatives will lean towards advancing the cause of St. Peter. Basically, except for the Connétables fighting a lone battle, St. Mary would effectively be disenfranchised. Of course, if you take the Connétables out of the States, as the amendment yesterday is seeking to do then, in fact, in practice there could be no one representing St. Mary in this example. Sir, my amendment avoids these problems. Sure, it means there is no longer an Island-wide mandate, but then again the other option of super-constituencies only gives us a compromise anyway. Let us not forget, Ministers - or Presidents under our previous structure - have always been selected according to ability. This Assembly has always sought to put square pegs in square holes, and round pegs in round holes, regardless of whether a Member is a Senator, a Connétable, or a Deputy. I do think perhaps we are in danger of reading too much into this Island-wide mandate issue and, therefore, have no qualms about proposing that we continue electing Deputies on a Parish basis. My amendment, Sir, like P.P.C.'s proposition, seeks an overall reduction to 48 Members, 12 Connétables and 36 Deputies, and I presume, as I said a moment ago, that we will keep the name of Deputy rather than inventing a new one, such as the ghastly MSJ (Members of the States of Jersey). It sounds like some sort of virus, does it not? A corresponding increase of Deputies from 29 to 36 would enable us to simultaneously address the inequity that currently exists in Parish representation, which is the second part of my amendment. I hate to exhaust the patience of the Connétable of St. Mary, but using it again as an example, the Deputy of St. Mary currently represents, according to my calculations, 1,590 parishioners, while the Deputy of Grouville represents over 4,700. There is an imbalance there and, curiously, St. Lawrence, with the same number of residents as Grouville, has 2 Deputies. St. Clement has 2 Deputies with a population of 8,196 and rising; it is nearer 9,000 at the present time. Sir, it is time these inequities were addressed, and on page 10 of P.P.C.'s proposition, we see how that is to be done, so I have not repeated it in my own report. Curiously, Sir, I notice they arrive - I say "they", because I am a member of P.P.C. myself - at a figure of 37, if I have done my maths correctly, whereas we need 36. I suggest reducing St. Helier from 12 to 11 representatives would solve that problem quite easily. Trying to meet the wishes of the public, Sir, while ensuring any changes would be both workable and, importantly, create a properly functioning government, has not been easy. Because, no matter how much wishful thinking is employed there are, in reality, only 2 options; P.P.C.'s super-constituencies, and my amendment of the Parish-based elections. My option addresses the major issues raised by the public, mainly, that the public are denied a clean sweep at election time, because half a dozen Senators and any number of Connétables are not up for election at that time. My option also reduces the overall number of States' Members, as requested by the public, although I have to say the argument for doing so has eluded me. My amendment also allows for rationalisation of that representation, ensuring a more equitable distribution of those representatives across the population. But basically, above all, Sir, it does this with a minimum of upheaval. No major changes, such as super-constituencies, for the public to get used to. No danger of parishes becoming marginalised in those larger districts, and no major upheaval for the Parish of St. Helier. I propose the amendment, Sir.

The Bailiff:

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

1.1.1 Deputy C.J. Scott Warren of St. Saviour:

There has seemed no solution to the joint proposals to hold general elections every 4 years and to keep the position of Senator with the shortened term of office. That has, in my opinion, been a major stumbling block to any movement on constitutional reform to date. I believe, Sir, that the Parish strength in this island must be retained, as endorsed by Members yesterday when this House again voted to retain the Connétables in the States Assembly. To hold a general election, it seems to me, we would need to sacrifice either the position of the Parish Deputies or the Senators in the Island-wide mandate. There is no ideal solution, I believe, and I do not believe we are in an ideal solution at present. I will, Sir, be supporting the 36 Deputies, as this amendment proposes. There is no clear evidence that the States Assembly will function adequately, or better, with a lower number of States' Members, but all proposals seem to have this lower number. This amendment, if voted in favour, will retain the importance of the Parish and the district constituencies. I do agree there needs to be an alignment of Deputies. St. Clement and Grouville are 2 such parishes where the population has greatly increased in recent years. Sir, when Deputy Le Hérissier was President of the Privileges and Procedures Committee, of which I was a member, we got a, quote, "metaphoric bloody nose", unquote, when we proposed super-constituencies. It was overwhelmingly rejected, if I recall, I thought never to return to this House. Sir, I do believe that a general election would certainly increase voter turnout and interest in our Government. I will be supporting these amendments, in order to produce what I believe is a workable and acceptable constitutional change, which we can then put to the people of Jersey in a referendum.

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

Last night I attended a Parish meeting with Senator Le Main, Deputy Fox and Deputy Hilton. It was about buildings for sheltered housing, and the person that was presenting the issue was a Guernseyman. He was the architect and, in fact, it was extremely enlightening. He at one stage had been in the Guernsey States, and he said - and I think our ears all pricked up on this - that they had changed over to these larger districts, which is what is part of this proposal. He did not go as far as to say it had been an utter failure, but what he did say is that the parishes were disappearing. He said there was no longer any contact because, exactly as we have said here, the parishes were going. They had nothing to hold them together. They had no Deputies that stood just for that Parish. They had nothing; they just had this large electoral district. He was not condemning it, which is a fair comment because he was a Guernseyman, and why should he condemn his own States? But I thought it was a shame that there were not a lot more of us there, because it was very interesting, and I would have thought it is the last thing we should be going down the road, is having large electoral districts. I believe that we should stay with the Parish districts.

1.1.3 Deputy S.C. Ferguson of St. Brelade:

Provided this amendment is passed, this is the first workable revision that I have been presented with, and I congratulate P.P.C.. This was, of course, all prior to my joining them **[Laughter]** I am not congratulating myself. The main proposition recommends keeping the Connétables in the States, subliminally, and that the remainder of Members and Deputies are elected from large constituencies. This amendment gives us the option of retaining the parishes as constituencies. We had a discussion on the form of the States in St. Brelade a few months ago, and the advice from that meeting, as I understood it - I think the Connétable has understood the same - was to retain the Parish Deputies and the Connétables. In the context of large constituencies, I have heard a lot of talk about the importance of the Island-wide vote, and I have been looking for the roots of this to try and understand it. There has been talk of an Island-wide vote for Chief Minister, but the best Chief Minister is not always the populist candidate, and as Burke said, your representative owes you not his industry only, but his judgment, and he betrays, instead of serving you, if he sacrifices it to your opinion; thought for the day. As I say, I have been wondering about the all-Island vote. I

was aware that the Senators had replaced the Jurats, but I was not sure of the rationale. New Members, who have not read *Clothier*, or gone into the history, might be interested to know that they were recommended, and the all-Island vote promulgated, by a committee of the Privy Council chaired by the Home Secretary of the day, which, in 1948, would be James Chuter Ede, a member of Mr Atlee's government. It is interesting to note that the more conservative, with a small c, section of the States owes its existence to a Labour Government. I also notice in the *Clothier Report*, it says: "The justification for the introduction of Senators into the States seems to be that these representatives were to be elected on an all-Island vote." *Clothier* received no convincing evidence that the Senators do anything which the Deputies cannot do. He also felt that with a general election, the distinction would become even less sustainable, and that it was sensible that each representative should have a constituency of voters whose opinions may more easily be sampled and judged over a small area than a large one, and, of course, a constituency gives easy access to a representative for every citizen who has something to say. In fact, I can find nothing in *Clothier* which advocates large constituencies. As other speakers have said, the strength of Jersey is its parochial system. At Deputy level your elected representatives are easily accessible to the electorate, and it is easy to stay connected with the electorate, even if they do not vote. The strength of the parochial system is that it works well, and gives a sense of identity and community, which makes for stronger social cohesion. It is part of our heritage and, as our colonial cousins would say: "If it ain't broke, don't fix it." The only comment I would make about large constituencies is that I think we should perhaps give consideration for not splitting up St. Helier, St. Saviour and St. Brelade. It might even be a way to evaluate the success of large constituencies. Personally, I would support the move to make St. Brelade one constituency, rather than the current contrived split. This, however, is an argument for another day. This proposition, as amended, should be viewed as a step along the reform route. Once this is in place, then use the time to consider the rest of the bells and whistles. With the proviso of this amendment by Deputy Baudains, I would support the main proposition as well, and I urge Members to support this particular amendment, which retains the parochial element. Thank you, Sir.

1.1.4 Deputy J. Gallichan of St. Mary:

I should say that I am speaking rather earlier than I would have liked today because, like a number of other Members, I will be leaving to attend the funeral of my former parishioner, Leslie le Ruez, and there is some part of me that hopes that what I suggest about, let us say, conciseness and application, focus, will mean that if I do not speak now, you will have finished this debate by the time that I get back, just a small part. **[Laughter]** Sir, I think it is fairly well known that I am a Parish person. I think perhaps that is probably because I have the great good fortune to live in the happiest Parish. The Parish is the heart of the local community, but it also plays a vital role in the administration of the Island and, I might emphasise, does so in a very tightly controlled manner, with direct access given to all parishioners by the Parish Assembly. If you could distil out the spirit of just what it is that has helped make Jersey strong, unique, and ultimately successful, you would find that the parish system is indeed part of the essence of Jersey. The position of Constable as head, and indeed the driving force of their Parish, needs no further elaboration from me. As a member of P.P.C., let me add my support to the committee's assertion that there are only 2 workable options for reform, options that are not only workable in terms of their practical implications, but are also meaningful and desirable in that they give the best fit to the wish list of the public, as evidenced by our consultation. There is also some evidence that they stand at least some chance of finding favour with this House. But let us not forget that this House has a duty to ensure that at all times we have a government that is able to function. So, in considering both the options and trying to decide between them, i.e. whether to support the amendment or the main proposition, the need to safeguard the continued existence of the parish system was uppermost in my mind. Both options retain the Constables as Members of the States ex-officio, but as the amendment retains the election of Deputies on a Parish or district basis, it might seem obvious that I would prefer this. However, I have amazed even myself by coming around to the idea of large

electoral constituencies instead. Why is that? Firstly, the amendment effectively does away with the Island-wide mandate and also, any kind of equitable mandate for all Deputies. While requiring that efforts are made to make the electoral districts as equal as possible, it is acknowledged that nothing could be done about, for example, the small mandate for the Parish of St. Mary. An Island-wide mandate was important to a large number of consultees, but is shown to be unworkable. Although by no means a direct substitution, the 6 constituencies envisaged by the main proposal would allow some of the results of an Island-wide mandate to be achieved. Section 7.12 of P.P.C.'s report lists these directly, but the main ones are that each elector would continue to vote for a large number of representatives; each elector would vote for the same number of candidates, and there is more chance of every election being contested. Secondly, the amendment leaves the Island in a position where not all voters are able to vote for the same number of representatives in the Government. Every elector should be able to wield the same electoral power. The concept of one man, one vote is well known, but here it just depends on where you live, whether you can help to elect 14 or 17 Members. This would also be addressed by the main proposition. More importantly, though, although both Constable and Parish electoral boundaries would be retained by this amendment, in my opinion it does not give any guarantee that the position of the parishes as a part of the Island's heritage will be maintained in the long term. With the entire House made up of Members elected on a Parish basis - bearing in mind that some parishes, of course, have more than one electoral district - I believe the door was left open for the question of the position of the Constables in the States to be queried yet again and again. There is always one element that cannot understand the different roles played by the Deputy and the Constable, and another element that does not consider that the difference is desirable. Indeed, in his opening speech, the proposer of the amendment stated that the adoption of the amendment could well be, effectively, the first step towards *Clothier*, all Deputies. I reaffirm my belief that the removal of the Constables would be the beginning of the end of the parish system. The main proposal, however, leaves the Constables as the only direct link to the parishes, and strengthens their role as a result. It will undoubtedly put a pressure on the Constables to make a totally committed involvement in the Island government process, but what is new? Look at our current incumbents. We have a Committee President, a couple of Assistant Ministers, a number of active Scrutiny members, including at least the chairman of one sub-panel, and members of the Planning Applications Panel. Believe me, these Members can handle the workload. I believe that this option would ensure that the importance of the Parish would be maintained and even enhanced. So, the comment I have heard most often about most options on the table from the public since they were launched is the old cliché: "Turkeys are not going to vote for Christmas." I wonder how many times we will be hearing that today. Well, let me make it clear. As has been mentioned already, I have a small mandate, but I was returned with a very high percentage of the turnout, which was itself above the Island average. You could think of me as the biggest turkey in this barnyard, yet I will support the main proposition, in the hope that I can offer the people of this Island the chance to confirm what they have been asking for, the referendum, and in so doing, still be able to ensure the continued strong presence of the parishes in this Government. I will not, therefore, be supporting the amendment.

1.1.5 Deputy A.D. Lewis of St. John:

I am delighted to follow the Deputy of St. Mary, because I think we have a similar view here. Some Deputies, and certainly the proposer, seem to think that if we do not support this amendment it will be the death of the parish system. I totally agree with the Deputy of St. Mary that it will not. It will enhance it. Guernsey was used as an example. Guernsey had an extremely high turnout at the polls because of super-constituencies, largely. The mistake they have made, though, is their Constables do not sit in their Assembly anymore; they have lost the contact with the States. I think that is something that we have managed to retain, and I hope we continue to retain, by rejecting the amendment that Deputy Southern came up with yesterday. In supporting P.P.C.'s proposal, I, too, am perhaps a large turkey in the barnyard. I had a large majority in St. John, and if I were to stand again in a small constituency such as St. John, hopefully, I would have similar success. In a larger

constituency, a much tougher job, yet I am prepared to support Privileges and Procedures on this proposal. I firmly believe in the long-term it will strengthen the role of the Connétable. At the moment, as a relatively newly elected rural Parish Deputy, I see quite often a lot of confusion between the role of the Connétable and role of the Deputy. A lot of what I do, the Constable does too; there is constant duplication. I believe the Connétable is better placed to do a lot of the Parish work and indeed, most of them do. But the electorate, I believe, is still quite confused. Often, those that are relatively new to the Island, but entitled to vote, think that the Deputy in the Parish is almost an Assistant Constable. Of course, we all know that is not the case, but those that are not familiar with the system do not understand that. I also think there could be much more joined-up thinking between parishes in certain areas. Let us take the northern parishes, St. John, Trinity and St. Mary. We all have different dust collectors, for example. Just maybe, with a bit more joined-up thinking, in a super-constituency we would do things like that together. So, I see no problems with that at all. I have no problem at all with going to 3 Parish Assemblies. In fact, I think we should do that already anyway, next to our other parishes. I think that is an excellent idea. In St. John, our Scout group, for example, is over 2 parishes, Trinity and St. John. Tonight I am going to something in Trinity, but it is the one pack, the one troop, across 2 parishes. There is nothing new about this. We are a tiny little island. We are still going to have a strong parochial system if the Connétables are still in the States, and I firmly believe they should stay. This proposal, this amendment, I think weakens that, and I think you should be very mindful of that. This is not the death of the parishes by going with P.P.C.'s proposal; it certainly is not. So, I am afraid I cannot support this amendment, and I do urge Members to think forward, and not backwards. The parish system is alive and kicking; it will continue to be alive and kicking for many years to come because the Connétables are here. If you vote for this amendment that could be at risk in the future; I firmly believe that. So, I would urge Members to approach this debate with extreme caution if you want to maintain strong links to the Parish, which we managed to secure yesterday. Thank you, Sir.

1.1.6 Deputy P.V.F. Le Claire of St. Helier:

I think there have been a number of good speeches already today, Sir. The first point I would like to make is I hope that the P.P.C. Committee will submit a report to the States after this debate as to what are the new areas, or the highlighted points of speeches that have been made that have been particularly interesting so far. I think that would help, from a historical point of view, if there is ever any reassessment. When the committee of the Privy Council undertook its job in 1948, as was said, it was because there was large disaffection within the Island as to the state of affairs in Jersey, and there was concern. The Deputies were introduced, and I think that report recommended 28, yet we have 29. I do not want to go into that because I did mention this the last time we went through this. But I think what Deputy Baudains' proposition has done today has brought out the issues, which may not have been brought out otherwise, of the importance of a reassessment of the distribution of seats in the parishes. Whether or not that is done through super-constituencies or whether or not that is looked at in the future with, perhaps, an alignment or a reduction in Deputies, God only knows where we are going with this. I am not going to make a long speech, just some very short points. One of the speeches, I believe it was the Deputy of St. Mary, who made a particularly good speech, I thought, that highlighted the fact that there was nothing that a Deputy could do that a Senator could not do, or vice versa. From a point of view, in regards to this Assembly, then that is correct. On a day-to-day basis there is nothing that a Senator can do that a Deputy cannot do. But it is interesting in practicality - and I have had the pleasure of both serving as a Deputy and a Senator - when you get into the parishes and you have a particular parochial issue where a member of a Parish has a problem, and finds that the Deputy, or the Deputies, are conflicted in that issue together with the Constable, that parishioner still has the ability to call upon 12 Senators. I remember not so long ago, just before I was unsuccessful in the election for Senators, I went along to a parochial issue and I was challenged as to why was I on the Deputies' patch by the Deputy. I pointed out to the Deputy that as a Senator, it was all my patch so I think that there needs to be some understanding of that situation because it does exist. I am sure that

Members have seen it themselves. I am sure the Constables have known of it and I think that we have to guard against the loss of representation and whatever we do in the outlying parishes in those instances where, at the moment, the people of Jersey have 12 Senators they can call upon and the Senators have a legitimate right to take up their concerns. I did make the point before in another speech on this issue how would people feel if I, as the Deputy for No. 1 District, spent most of my time taking up issues about St. Mary's. Perhaps the Constable of St. Mary's and the Deputy of St. Mary's would be quite happy with me for championing their issue. But how would the parishioners of No. 1 District feel? Where is their Deputy? When it came to re-election they would most certainly remember the fact that I had not concentrated my affairs upon them. So the idea of a super-constituency, and there are many different types of constituencies that you can break the Island up into, and that is, as quite rightly pointed out by Deputy Ferguson, a debate for another time. How do super-constituencies protect us in that issue? Deputy Baudains' proposition - an amendment to the main proposition - asks for us to keep the connection with the districts and I get a feeling that it is possibly not going to be supported. We have had 2 rather good speeches in a row that have knocked the amendment. They have made some very good points but because this is such a complex subject in reality - what are we doing? We are representing people. We have to make sure we get it right and it was interesting to follow our Assistant Minister for Home Affairs because I was speaking to the Assistant Minister for Home Affairs in Guernsey during the cricket match. He pointed out that in Guernsey in his district there were 2 areas prior to it becoming a super-constituency and most of the people that ran in his election did not bother canvassing in this one particular area. I do not know the Guernsey structure so I cannot remember the place he was talking about. But basically he was saying that there was a district that was hardly canvassed at all and, although he had made no effort to canvass in that district, he topped the poll in that district and was safely elected. But he did make the point that because nobody in that super-constituency really bothered with that canton, or that whatever they call it, that district, that district really was being ignored now. So there is the danger with a super-constituency. You will have, as it has been evidenced in Guernsey and admitted to me by the Home Affairs Minister there, you will have districts that are not given due attention. So the safeguard then must be, if these proposals are to go forwards, that it cannot be the thin end of the wedge. If the States Assembly is going to move in this direction, it ought to be honest about things. If it wants *Clothier*, let it debate *Clothier*. This is not *Clothier*. This is about retaining the link to the parishes and retaining the Constables. For 99 per cent of the time the Constables are somebody that the parishioners can approach. It is only in a very small proportion of cases that the Constable will find himself conflicted or herself conflicted. So the retention of the Constables in allowing effective representation, if you are going to get rid of the Senators, is not something that would just keep for today if we move along these lines and then, as suggested by the proposer of this amendment, perhaps do away with later. That is not honest. That is not an honest approach and it cannot be taken to be the rationale in the future because if this Assembly, prior to empowering the people as to what they want in a referendum, makes a recommendation from a decision it has got to be honest about that recommendation. The recommendation before us today is that we think there is room or the propositioners think that there is room for a change to our composition but, in retaining the links to the parishes through the Constables' offices. If any Member votes today for this proposal, either amended or not amended, with the notion that they are going to come forwards in the future to kick out the Constables, then I would say that that Member is not really engaged in an honest process. If that Member, if there is one, wants to do that, then they should bring *Clothier* and let that be debated. The last thing I would like to say is that there is a citizenship programme that is underway now in Jersey and hats off to the Minister of Education, Culture and Sport and his Assistant Ministers for kicking this into play because it really is something that is long overdue and it is really something I am very pleased to see. The fact that the States have recently approved the voting for young people from 16/17, we have seen a draft elections amendment lodged on our desks today, bringing the law that will empower these people means that there will be more people in Jersey in the future that will understand our system. That is the dichotomy at the moment - that we are moving towards possible

changes in our composition based upon MORI polls that are, in my view, totally insufficient in their numbers and views but with an informed Assembly. The reason we are informed is because we have had so many debates on the subject. That is one thing, I think, that we are quite au fait with is the structure of this Assembly and the possible options. The only pity is that, because this has come around again in between the citizenship programme being initiated, is that we still have a very large number of people in the Island's population that do not know the difference between a Senator and a Centenier. We have a lot of work to do in justifying any changes and I do hope that our Members will have forgiven me for taking this time to speak at length as I have done. But I think these issues are important. I will listen to what is being proposed for the rest of the debate and I will make up my mind as to whether or not these issues should be put to the electorate based upon the speeches that will be coming in the main debate. I hope Deputy Baudains will bring a good speech at the end and not just go for the vote. I hope he does cover the issues. Even if he is not supported he is to be congratulated on us focusing on the allocation of seats because it has brought out this issue about representation. One last point from the 1948 Committee of Privy Council: they have highlighted the fact that there was a weighting in favour of the rural parishes and they thought at the time, because the Island was heavily dependent upon the agricultural and farming industries, that that was okay. That situation has not changed; it is still heavily weighted in favour of the rural parishes and there is under-representation in the parishes that have the most population. The Council may disagree but it is a fact that there is under-representation, in my view at least and in many others, of the amounts of representatives compared to the amounts of people in their districts. District No. 1 has as many people, I believe, as St. Saviour's. It has 3 Deputies; St. Saviour's has 5. How does that compare with St. Mary's or Trinity or St. Lawrence or Grouville?

1.1.7 Deputy J.A. Martin:

I am not sure whether the last speaker is supporting or not. I do agree with what he was saying about representation and right from the start I will clearly say that I cannot for that reason support this amendment. I think the Deputy of St. Mary made a very good speech and how do you reduce St. Mary's any further than one against representation against, say, St. Helier? It cannot be done. Yesterday I was not in the House unfortunately, Sir. I was absent on the debate before and I did not have a chance to vote on the Constables. But I did vote last time on the Constables on a very similar proposition and I did not vote to take them out of the States and I think **[Laughter]** -- no, my fellow Deputy calls me a creep. We are allowed to disagree. Creeping I think he means, not a creep. Anyway, listening to Deputy Huet, who seems to have a problem that, yes, in Guernsey they are losing the Parish representation or connection. I think that is probably because, as the Deputy of St. John's says, they did not hit their Parish representatives which is the father of the Parish who will look after the parochial issues. This is where I am now 99 per cent probably going to support the main proposition because we have something different, because we are going to do something. We will achieve a general election. We will, hopefully, get people out and it will not just be people out to vote. When they went to super-constituencies, which may also be alarming people in Guernsey, some very safe people who were in safe Parish seats were outed and that is a fact, Sir. **[Laughter]** Ousted? Outed. Well, they never got in, Sir, so they are out. They are definitely out. But they did it very quickly. Now, the main proposition I could not vote before because I agreed with our Chief Minister. I agreed the system had to bed in and I think by 2011 and, hopefully, with the debates to come and the amendments on the way forward for Scrutiny and the ministerial system we have, that 2011 will be right and at least the people will have a chance to vote on this. As I say, I really do not have a problem. We have 3 districts in St. Helier. We all attend one Parish Assembly. I never, when anybody phones me on any -- unless I am conflicted which is very rare and they mainly phone me, funny enough, about housing issues -- they seem to think that I am on the Housing Committee or Ministry. I put them straight. But I always, wherever they live, try and help and I think that is where we, you know, we are not getting rid of the parishes but we have some very major problems facing the Island and to be too precious would be the word and not in my back yard. I know sometimes - and this will not go down very well - that obviously you are put

in a position to represent your constituencies in a Parish and if there is an issue that - and mainly I will say they are issues on where housing will be put - and these issues are going to get worse. We are growing our population and we have an elderly population and we need to house them somewhere. Now, if your vote alone depends on which way the vote goes in the House - and often you will be outvoted - it is not a good system because you need not to just represent the people, and it can be a very few people. Represented in St. Mary's are 1,000 and something. I do not know if that is representative of the people who turned out to vote but it might only be a few hundred. I was only elected on 600 votes. I hope I have the broadness of mind to represent a lot more people than that because it is the whole of the Island. So, sorry I have gone on a bit and I cannot support this because it does not go anywhere in getting a general election and proper representation and keeping quite a wide selection for people to vote for. All I would like in the summing up speech is if the Deputy would explain what his amendment meant because I cannot see ... It is somehow to try as near as possible to get as equitable as possible and I do not think there will still be thousands out of who can represent who and that cannot work. That is why I cannot support the amendment. Thank you, Sir.

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

If I may quickly repeat the well-worn argument, Sir, in the U.K. they have got Parish Councils, County Councils, local government, regional government. They have got MPs at Westminster and the House of Lords. We have got the States of Jersey. That is it and we tamper with it too much at our peril. I heard St. Saviour mentioned and super-constituencies. Well, I already represent a super-constituency, Sir, the Parish of St. Saviour, which as a very large Parish splits into 3 districts. To the north we have No. 3, Pigneaux, represented by Deputy Le Hérisier, which is a mixture of agriculture and urban; in the centre we have District No. 2, Sous l'Eglise, represented by myself and my colleague, Deputy Breckon; and to the south we have Petite Longueville, No. 1 District, represented by Deputy Duhamel and Deputy Scott Warren, again predominantly urban. We know quite a number of people in our respective districts but what is more important they know us. We are just a few minutes away by phone. What are we trying to achieve today? Are we trying to be more efficient? I do not think so. We are trying to save money, which is the bottom line and as we are paid the equivalent of low grade civil servants, I think that is a false economy. By getting shot of a few Deputies: "I know, let us bump them off. Nobody will miss them" we are probably saving the equivalent salary of one senior civil servant. We have only had ministerial government for just over a year and a half so I think we need to let that bed in before we make any drastic changes. Thank you, Sir.

1.1.9 Senator L. Norman:

I thought the proposition was to increase the number of Deputies, not decrease them. But I rise, Sir, to give 100 per cent support to this amendment. I think I said yesterday during the debate on Deputy Southern's amendment that the Parish is absolutely essential to our way of life. It is, in fact, the bedrock of our way of life. The parish system is the basis of our cultural life, our political life and our social life. We should not, and we need not, put that bedrock at risk and that is undoubtedly what we would be doing if we do not accept this amendment. But there is more to it than that. On the political side, Deputy Le Claire and Deputy Baudains have pointed out the big risk of the loss of representation for the people living in the less populated Parish and the disenfranchisement that they could suffer. If we think now about the senatorial election, if we think deeply about that, it is not the parishes of St. Mary, St. John and Trinity who elect the Senators. Oh, yes, they all vote. But they are totally overwhelmed numerically by the voters in St. Helier, St. Clement and St. Saviour. What the Privileges and Procedures Committee are asking in the main proposition is the super-constituencies which is a compromise. It is a get out and what will happen, as Deputy Baudains explained, is that the smaller parishes, again, will become disenfranchised and lose significant representation. With Deputy Baudains' amendment what happens is that each Parish will have a minimum of 2 representatives in this Assembly, the Constable and at least one

Deputy who will be loyal to that Parish and, even more important, as Deputy Lewis was saying, identified with that Parish and that, in my view, has got to be good. Now, it has been 7 years since the independent review of our constitution was undertaken by the Clothier Group and I think that time alone that it has taken to get to this stage has shown how difficult it has been for successive States to come to terms or to grasp the need for change. There have been many polls, many surveys over those years, and one thing is for certain that the results of those polls and surveys have been contradictory, confusing and conflicting. If one wanted to one could argue that those polls and surveys show that the public want to keep their Constables in the States; they want to keep the Island-wide mandate; they want to keep their Deputies; but they also want a general election day and they want fewer Members. That position is totally incompatible. Of course, also they want to elect their Chief Minister. But what is clear, which I think is clear and it is clear from the polls, surveys and, indeed, the in Committee debate we have, is that the public do want change. They do want fewer Members and I think most important of all they do want a general election. This proposition, as amended by Deputy Baudains, does all that and more. What it also does, it creates a system which is capable, relatively simply, of change and development in future years if that were found to be necessary, unlike our system currently, which cannot be changed without significant pain and difficulty. What the new system will do, if it is accepted with this amendment, it will create a new interest and a new excitement in the political process, which undoubtedly will manifest itself by increased turnout at the polling stations. I really think it is time for us to show leadership. It is time to show our support and nurture of the parish system. It is time to accept the need for a general election, which in most democracies is regarded as a democratic right - something which our voters have not had for 2, 3 or 4 generations. It is time, I think, to accept the public's desire for a smaller States simply to accept the need for change and ask the public if that is the change that they want. Put it to the public in a referendum - a true and meaningful referendum, an honest referendum. But there is no point in putting to the public a question in a referendum or so-called referendum which the States will not support or would not support or would also be totally unworkable. That is simply not honest. I really thank the Privileges and Procedures Committee with or without Deputy Ferguson and, in particular, Deputy Baudains for bringing this amendment and I urge the States to show leadership; show the willingness to change and support the amendment. Thank you, Sir.

1.1.10 Senator S. Syvret:

I have recently returned to the Assembly after a long recuperation period from major surgery; would that that period had lasted just a week longer. **[Laughter]** It is, I am afraid I have to say frankly, this kind of debate and this kind of experience that just encourages me in the view that I find politics an increasingly hateful occupation and am contemplating giving it up totally, which will no doubt be greatly to the approval of most Members. I cannot believe really that the Government can still be exhibiting the kind of performance, let us call it that, that we are seeing today when we are having the same discussion, largely, that we must have had maybe 8, 10, 12 times in the last 5, 6 years. I forget the exact period. We debated, largely, all of these kinds of issues, I think, just a couple of months ago when Senator Shenton brought his proposals to the Assembly and here we go again. It is now Wednesday. This is the last session of the summer period before we stop for the summer recess and we have important business remaining on the Order Paper - stuff that is genuinely important to the quality and performance of the Island's Government, the proper guiding and scrutiny, as it were, of the Scrutiny Panels themselves - the Scrutiny Code of Conduct and all of the amendments, the 3 amendments, that there are to that. That debate and those issues, in terms of the performance and quality of the Island's Government, is vastly more important than another rehash of all this just to listen to Members ride their hobbyhorses around the Chamber yet again for the 15th time or whatever it is. I certainly am not voting for this amendment. It is ludicrous and I do not think anyone that possibly wants to modernise democracy could support it. It is unrepresentative; it does not distribute the Deputy seats on the basis of actual population concentrations. I mean, you are either going to keep the

parish system or you are not; you are going to modernise it. This is a complete nonsense. It does not distribute the seats on the basis of population density to representatives so it has got to go. Senator Norman said if we do not accept this amendment we will be letting the public down. Well, really, it is just absolute rubbish. It really is. I will be rejecting this amendment and I will be rejecting the substantive proposition of the Privileges and Procedures Committee as well itself. You know, the public have said they want an Island-wide mandate; that is the public view. The Privileges and Procedures Committee brings forward a proposal that scraps that - one which would be a perhaps further, given likelihood of success, by the adoption of the Deputy's amendment that we are debating at this moment. Really, having to go through this debate, I did email Members recently and suggested that the proposition of the Privileges and Procedures Committee would have about as much chance of success as I would have in a fist fight against Joe Calzaghe. I am beginning to wish I could take that option rather than listening to much more of this and listening to us waste probably at least the rest of today and probably most of tomorrow too on this subject while we have still got relevant, important business that we could be getting on with instead. A note of caution: some at least of the JDA (Jersey Democratic Alliance) have said that they are going to support the substantive proposition of the Privileges and Procedures Committee. The retention of the Constables? Why do you think they are going to be voting for that? They are going to be voting for it because they know perfectly well within the medium and long term if you scrap the Island-wide mandate the post of Connétable in the States cannot and will not survive. You cannot have a position where you have a person like the Constable of St. Mary's with the same power and voting rights in here as the Constable of St. Helier who represents vastly more numbers of people if you have scrapped any kind of counterweight and counterbalance of the Island-wide mandate. It just will not work. So beware of that. I really hope that we are not, in fact, going to waste another 2 days on all of this and that we are going to get on and discuss some important matters. I will be rejecting this amendment; I will be rejecting the substantive proposition. Of these reform proposals the only one I am going to be supporting will be the one that the Constables themselves have brought forward for them all to be elected on the same day. Excellent; I commend them for it and a simple, good, straightforward proposal that I look forward to us getting around to debating. I just hope we are not going to waste days and days on all of this thoroughly boring stuff.

Senator F.H. Walker:

With your permission, could I seek the opinion of the Assembly? I understand there is some urgency now because of parking requirements. I know that a number of Members of the Assembly wish to attend the funeral of former Deputy Les Le Ruez. I think there are possibly 6 or 7 of us who wish to do so and I wonder whether, under those circumstances, it might be appropriate to suspend the sitting until 2.15 p.m. or perhaps even, in this instance, 2.00 p.m. because I think such a number missing from such an important debate as this would be a problem but I think it is something for Members to express a view on.

The Bailiff:

Well, you can certainly move, Senator, that the Assembly now adjourns until 2.00 p.m. this afternoon if that is what you wish to do.

Senator F.H. Walker:

May I do so, Sir?

The Bailiff:

Well, is that proposition seconded? [**Seconded**] Well, may I put the matter to the vote?

Deputy G.P. Southern of St. Helier:

I think we ought to have some debate on this. Without wishing any disrespect to anyone, I just cannot believe we are suspending debate in the States. States' business takes priority surely. I know it is difficult to argue against it but this is setting some sort of precedent that says States'

business does not take precedence over other matters and I do not know that it is an appropriate move to make.

Senator S. Syvret:

Perhaps we could just ask for an indication from those Members who are wishing to attend the funeral. It may only be a comparatively small number of Members.

The Bailiff:

Yes. Well, I do not know how we do that. Would those Members perhaps stand if they are intending to attend the funeral - 7 Members.

Deputy S.C. Ferguson:

I think perhaps I ought to say with regard to the rest of the programme of the day that the Chairmen's Committee has agreed to ask the House if we could withdraw the Code of Practice, which may perhaps affect the way Members think about adjourning now. It has become increasingly apparent that there is a confusion among Members and with the plethora of amendments we have lost sight of the issues.

The Bailiff:

Well, all right. But let us not get into a debate on that at this stage.

Deputy S.C. Ferguson:

Okay. I was just saying that I will be asking the House.

Senator M.E. Vibert:

I think some Members were unfair on Deputy Southern. It is not often I will say that in this House. I believe he is right. I think we should think very carefully about making this decision. I appreciate that some Members, you know, feel that it is very important they attend this funeral. I have had to attend funerals in the past. Tomorrow, unfortunately, I will not be able to be in the States because I have to carry out interviews arranged with people coming over from the U.K. for the new post of Director of Education, Sport and Culture and I accept and I very much regret I will not be in the States. I think that the States does take precedence. I think it is very unfortunate but I think it would be a very dangerous precedent to set that we should suspend the sitting for a few Members having to get out and it is very hard to say this. I knew the person concerned. I would very much like to attend myself but I believe, in this case, the States takes precedence and I think we need to think very carefully before suspending a sitting for any reason other than in this way.

Senator F.H. Walker:

I cannot imagine we need a debate on this. If we continue like this it will be too late in any case. I merely asked that Members were given the ability to decide and can I suggest that they do that and we go to the vote?

The Bailiff:

Well, I can say from the Chair that I very much hope this is not an appropriate matter for a lengthy debate and either Members want to do it or they do not.

Deputy I.J. Gorst of St. Clement:

Could I just propose a compromise in that the debate goes on but we do not vote until the House re-sits after the normal lunch adjournment?

The Bailiff:

Well, I do not think that will work, Deputy. I think if the Members cannot vote on the amendment then that is de facto an adjournment.

Deputy P.V.F. Le Claire:

Could I propose, instead of continuing this, that we just move to an appel, please, Sir?

The Bailiff:

Very well. I ask the Greffier to open the voting on the proposition of Senator Walker that the Assembly adjourns until 2.00 p.m. this afternoon. Well, if all Members who wish to vote have done so I will ask the Greffier to close the voting and I can announce that the proposition has been lost. 21 votes were cast in favour, 25 votes against. The debate accordingly continues and I call Deputy Southern.

1.1.11 Deputy G.P. Southern:

It seems we are getting down to crunch time on electoral reform. The people have spoken. They have said: "We want some change" and P.P.C. have heard and they say: "Well, we had better have some change then." We have come up with a set of options, it seems to me, that are fairly clear and differentiated. We have got the option to proceed with next to no change; we have got the option to proceed with the least change we can get away with; and we have got the option of a change so small no one will notice it in a month of Sundays. I think this particular amendment comes into the final category - a change so small no one will notice. We will, I presume, at the end of the day, even if we vote against lots of things, probably vote for a 4-year term and a general election. We will probably vote sometime for next to no change or the least change we can get away with. But if Deputy Baudains really wanted to get my vote, among others, he should not have so carelessly let slip his intentions on reform. Even within his next to no change when he said that the numbers appeared to be wrong and the representative proportions appeared to be wrong, but we can solve that anyway because we will just take one off St. Helier. So that is done. Okay, St. Helier, with 11 representatives in total and 28,000 in the 2001 election and rising steeply every day, so perhaps 30,000 out of a population of 90,000, one-third of the population, 11 representatives. But for Deputy Baudains that is okay. I have a great deal of affection for Deputy Baudains but, oh dear, he just lost my vote when he let slip that St. Helier: "Well, we just take one off St. Helier. We can do that, no problem." So I am going to vote against this. I hope everybody else does.

1.1.12 Senator T.A. Le Sueur:

I think there is generally a reluctance for anyone to change. They always like the status quo if they can and so there is, I suppose, a general mood against any such amendments like this. But if we do nothing, in the words of the phrase, we go backwards. I think it is incumbent on us to come to some sort of decision and if we do nothing we do nothing consciously. For once, I can agree with Deputy Southern that this amendment is not really a change; it is waving a flag of a change; it is just toying with the idea of a change. It does not address the idea of proper representation. It does not achieve any of the objectives which, I think, the public expect it to achieve. I am always a little bit concerned about compromise and this appears to be a compromise situation. It does away with Senators and it sort of does away with the Island mandate, but it does not do it completely and compromises do not always work particularly well. Whether this compromise works well enough remains to be seen, but what I do believe is that Deputy Baudains' amendment is something which does not work at all. Given the choice between Deputy Baudains' amendment and the P.P.C. one, it is a clear winner for P.P.C.. That is not to say that the P.P.C. one is brilliant; it is just that Deputy Baudains' is a darn sight worse.

1.1.13 Deputy P.J.D. Ryan of St. Helier:

This, Sir, is not a Zero/Ten and a black hole situation. We are not faced with having to choose between GST (Goods and Services Tax) or payroll tax. We are not in a position whereby we are forced, in the Island's longer term interests, to choose a least worst option. Sir, we are not in a situation either when we have to choose one of a range of flawed proposals and to me and I believe it should be clearly understood - please, make no mistake - each of these options is flawed in some

way. Sir, I will be voting against this and I shall also be voting against the main proposition. Thank you, Sir.

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

Senator Le Sueur has just said: "If we do nothing ..." I suspect that that is the way that these debates have and will do and carry on for some time. I think this week is the week that we have to make decisions. No, they will not suit everybody and, no, they will not fulfil everybody's desires. They will go some way towards some people's public opinion and they will not in others. Last night we had a very important Parish Assembly when a proposed land which was earmarked for future category A and social rented housing was proposed also to have an element of category B and it was recognised that this was an important discussion. We had representation from the Deputies in the Parish - not all of them - and we had one Senator with an Island-wide vote. The Senator, the Minister for Housing, which is a very good reason why the Senator should be there. But I do question when I keep hearing about that we must have an Island-wide mandate to allow greater representation within the parishes. From my experience in the busy Parish of St. Helier, we do not get the senatorial representation that at election time everybody keeps telling us about and I suspect it is probably the same in the country parishes. So the argument is whether you want to keep the traditions of the Parish together. The vote yesterday was for the Connétables to remain, which is the Parish representation in the States. You also have the proposal to call for Parish Deputies. I think a more appropriate name is probably a *Deputé* in the French version than it is a Deputy but there we go. That is another story for another time. Whether it is super-constituencies or whether it is this amendment, it does probably mean that the representations in the Parish will be greater in numbers than what otherwise exists at this moment in time. I do not favour this particular amendment as I do not think it achieves what the Deputy intends it to do. I think we are going to have to seriously look at the super-constituencies, and the reason I say that is because the question is that in the urban parishes like St. Helier, St. Saviour's and even, dare I say, St. Clement's and certainly St. Brelade's now, there is a greater pressure on population all of which with increased demands and, yes, I might be a District Deputy in No. 3 and 4 District of St. Helier but increasingly I am also providing advice and requests of support from many of the other parishes. So we are not that colloquialised that we do not deal with things. The answer is: "Yes, we do" and on many occasions a Constable or a Deputy will have an email from me where I outline what action I am taking so that they are duly informed. If it is something that is more appropriate to be dealt with in the local Parish, the Constable obviously gets a telephone call or an email from me to do that. So we are not as colloquial as we used to be. But if you are talking about more representation, I do not think that this is going to have it, especially in the rural parishes, but I am not going to put forward any representations on the part of the rural parishes because I will probably be slammed down for not knowing what I am talking about, but more to the point is that there is representation from the Island mandate at the moment plus as many Deputies as are elected to cover that. I will not be voting for this; I will be voting for super-constituencies as there is a mood within the Island for having a way forward that is positive and constructive and, yes, they do want to have change and change we should be doing. That is constructive and a 4-year term, I suspect, is probably one of the other appropriate changes that we can consider and the representation of the population must have a degree of representation by numbers, not just by a Deputy serving here or serving there and take away from one and give it to the other. I do not think that is a way forward. Thank you, Sir.

1.1.15 Deputy R.G. Le Hérisier of St. Saviour:

I simply will not be voting on the grounds that Deputy Southern mentioned. We have had long painful debates about representation, as Deputy Scott Warren said at the beginning, and when it comes to discussing electoral reform we are in the grounds of what you might call visceral approaches rather than rational approaches and anybody who tries to approach it rationally, as we were to discover, is not going to get very far. So that is one of the first issues I think we have to put

forward. I think there has been a total misrepresentation, and I have to allude to the main proposition of the main proposition and part of its problem, Sir, as we have discovered previously, it does not have the emotional appeal of being rooted in the parishes, because if you root it in the parishes you can, in a sense, get away with anything. But if you do not root it in the parishes that well known clarion call from the 19th century to the present goes forth, you are destroying the system, and I am about to hear it again, no doubt, from my colleague on the left where I see Constables' wives are now being elected as well as Constables but we will leave that for another time. What I think we have to understand, Sir, in terms of the main amendment is, and what they are trying to do is to get away from a system of representation totally rooted in the parishes, where you fight the corner of the parishes where the vested interest becomes the Parish and where your perspective, despite the good work that people like Deputies Martin and Fox do, your perspective becomes the Parish as it should and the whole idea of the Senator's role, as I understand, to partly answer Deputy Ferguson's question, was (a) to keep the hierarchical nature of the States because in these post-1940s we still thought in a very hierarchical way, and we thought our betters were originally the Jurats and our second set of succeeding betters should be the Senators. They would become, rather resonated in Senator Syvret's speech, they would become a group of elder statesmen and they were statesmen, until I think Senator Huelin came along. They would become a group of elder statesmen who would run the States, would give us of their wisdom and their accumulated wisdom and so forth when there was not ageism prevalent, as there is perhaps now, they would become this group of elder statesmen and of course that was to be the States post war with the Senators Le Marquands, the Viberts, the Rumfitts, the Krichefskis, they were to be the group who were to run the States with one or 2 Honourable Deputy exceptions. The whole idea was they were to represent that all-Island view. They were to be elder statesmen representing a broader view detached from the parishes and the kind of pressures and vested interests that the parishes would bring about and which they had manifested so strongly and effectively since the 19th century at least. That is why, Sir, I do not think we can follow Deputy Baudains' proposal and I will, after much pain, I have agreed to the view that the Constables must stay in the States. They will represent that link. They will represent that view and I think they are to be praised. Several of them have involved themselves across a broad spectrum as has been said to try and get away from the view that they are simply representatives and it is representatives. I do not know - and perhaps the Deputy could refer to it in his speech - I do not know where he gets the view that Constables are delegates and not representatives. There is a duty imposed - almost a duty imposed upon them from the Code of 1771 to which Constable Jackson referred the other day - where they should go out and refer on all forthcoming legislation. They should hold Parish Assemblies to get the feeling, so to speak, of the Parish on that particular legislation. It is, when you think of it, almost but not tantamount to a permanent referendum situation where they are constantly going back to their constituents and it strikes me it is an example of almost Athenian democracy at work. But they have that almost quasi duty to do that. The people from the super-constituencies or the larger constituencies are meant to represent a broader Island view; they are meant to break away from the parishes and the other point, Sir, is particularly in the rural areas and we are all guilty, or some of us are guilty of this, the whole idea was not to hide in small Parish constituencies where you were not exposed to continual election and multi-Member constituencies guarantee you will virtually always be exposed, well almost be exposed, to elections on each occasion and where hopefully there will be broader debates. The other issue, Sir, is I think the Deputy's proposal is deficient. I think we could be much more radical in reducing numbers. We have set up this artificial constraint in terms of numbers required in the ministerial system, it is a totally over the top number, quite frankly. We are absolutely overburdened with Assistant Ministers who like a lot of us have yet to find their purpose in life and I think that whole issue needs to be revisited in terms of comparable small jurisdictions. We are totally over the top and it is producing quite a strain, not only in terms of manpower, but also in terms of approaches in terms of votes and so forth - and yesterday was a classic case - it is producing quite a strain for Scrutiny. So I wish the Deputy would have been much, much bolder in that regard and indeed the Assembly as a whole. Thank you Sir.

1.1.16 Senator P.F.C. Ozouf:

I thought that last speech was a ringing endorsement for the support of the senatorial benches and I look forward to Deputy Le Hérissier's support for the maintenance of the Island-wide mandate, but I do not think he will be. I will not be supporting the overall substantive proposition and I am afraid I cannot support, with regret, Deputy Baudains' proposition. I think there is a case for reviewing the allocation of deputorial seats; there is no doubt about that. The current distribution is unfair but I think he is going too far by ruling out the possibility that it must not be done in some merged way. My reading of his proposition is that he is saying that it should be Parish and constituency; you could not merge 2 parishes together. Now I have to say that I have some sympathy with his view that a super-constituency could somehow do away with that Parish identity and going back to the proposition of the Special Committee on the Composition and Election of the Assembly and of course there are a few people that have been running a bandwagon on this for some time. They came up with a right chestnut, in respect, which probably is giving Deputy Baudains some fear. We had one large super-constituency made up of St. Lawrence, St. John, St. Mary, Trinity and St. Ouen. What a completely mad allocation and putting together of a super-constituency. That is completely taking a pickaxe to the identity of a different area of the Island and maybe that is a warning bell for the later debate on super-constituencies, because that sort of merger of maybe the other proposition was that St. Clement should be merged with Grouville. Maybe that is what is causing Deputy Baudains not to want to join on the issue. **[Laughter]** The fact is that there is work to be done on the allocation of deputorial seats but I do not think that we should rule out completely merging and having some constituencies which would be perhaps 2 or 3 of the smaller parishes, not the super-constituency version but what we need is some sort of special investigation, special committee on this issue of boundary and electoral reform. Not simply taking the extreme view that it should be definitely parishes or it should be 6 single constituencies. Maybe there is a compromise in the middle but that needs investigation, it needs analysis in a way that the electoral commission in the U.K. does. We need boundaries and electoral commissions to deal with the issue of allocation of deputorial seats but I am afraid not the extremes of simply a Parish or constituency basis. As other speakers have said it is simply not fair in terms of the allocation of seats, and for that reason it has to be voted against.

1.1.17 Deputy R.C. Duhamel of St. Saviour:

I would first of all like to take issue with Senator Syvret, who is not in the Chamber. He made a comment this morning that in his view there were some items on the agenda that he did not consider worthy of discussion, or indeed of voting for perhaps, and that probably explains his absence and indeed a number of other Members from this debating chamber at the moment. I would just there record it, Sir. Personally, I think that all issues that are brought to this debating chamber are important and they give us an opportunity, the only opportunity to discuss issues properly and to allow the public to hear the debate and the ideas behind them. For Members not to be present is absolutely abysmal. I go on, Sir. I mean evolution not revolution; I think we would all sign up to that one - one step at a time and I think this is really what Deputy Baudains' amendment to the P.P.C.'s (Privileges and Procedures Committee) proposition does. There are loopholes within the main proposition but the Deputy has sought to give us, this House, an opportunity to choose between 2 competing systems. Fundamental to the argument it would appear that we are suggesting, or there is a body of opinion, in this House and outside that says: "Keep the Constables and the links to the parishes alive." Fine, if we are going along with that and that does make sense, then what does not make sense is to then in the next breath suggest that the Deputy's links with the parishes should be got rid of. You are either going one way or the other way, so I think for me, Sir, I would like to keep the parish system alive and I think Deputy Baudains' sensible amendment does just that. What has not been discussed though, Sir, is the second part of his amendment and I would like to just say a few words on that. He asks for proposals on the distribution of the 36 Deputy seats to ensure an allocation of seats across the 12 parishes, still keeping the parochial link, that is as equitable as possible. Now in writing his amendment in those

words, Sir, the Deputy has taken the correct step in my view as to not be prescriptive as to how best an equitable system could be implemented. If we turn to P.75 on page 21, there is a breakdown of the population census figures for 2001 by Parish and the suggestion as to how that would equate to the current Deputies and Connétables should the system be organised on population. Now I think, Sir, that there is a bit of a difficulty here, certainly for me, in that having representation just by the single measure of population suggests that, for example, parishes that have a high resident child population we are perhaps over representing the under-5s or the 5 to 15s or whatever, because they do not vote. So just doing it on population figures does not really make sense. Likewise, there are people with medical difficulties who cannot vote perhaps, but if you do it by population alone everybody is included, which seems strange. We could, for the sake of example, and I do not know what was in Deputy Baudains' mind as to what would equate to an equitable system but perhaps the following might suggest alternatives that should and could be looked at. Perhaps we should have representation by the number of persons who have signed the electoral roll. Now, would that be fair? I do not know; certainly that would be one way of looking at it, and I think if we looked at perhaps the abilities or how people do vary in the way they sign the electoral roll in the different parishes, I think some useful concepts or differences might come out. Likewise having Deputies or Connétables representation chosen by the potential numbers of persons who could sign the register. What about the numbers? What about the numbers who vote? It is well known the voter turnout in the northern parishes is substantially higher than those in the more urban districts, so in some ways, Sir, that means the representation of those for northern parishes is of a different quality to those of the urban parishes. If we are trying to find an equitable system we need to think about all these things in perhaps greater detail than the P.P.C. have already done. Voting is important. I think we have to have reform and change, and I think the public are expecting a change to be made. As I said earlier, Sir, this does take a single step to rationalise something that did have a number of flaws, and I shall be supporting it and hope other Members will do so as well.

1.1.18 Senator M.E. Vibert:

I was hoping someone else might have spoken, but I think it has been interesting to hear the views of people. That is why I say about some other people speaking because I wanted to hear everybody's views, or as many as possible, before speaking. I would like, first of all, to thank those turkeys who are considering voting for Christmas, and the number of Deputies who have put aside their own, if you like, what could be personal concerns and are not going to support the amendment, as I clearly am not going to support it. I congratulate them because I think in this debate I would urge Members, and I hope it is not a vain plea, Sir, not only to put aside their own political ideologies, their own preferences, let alone their own personal wish, maybe, to be re-elected, but to think about what the public have expressed they want, through the evidence P.P.C. have gathered, and to trust the public and to give the public an option that as closely as possible mirrors what they have said they want so that the public can vote on it. I do not believe that Deputy Baudains' amendment meets the wishes of the public in one very special and important concern. That is the concern by the public to have Members with a mandate outside and larger than single parishes. That has been expressed time and time again in every poll we have had, in all the evidence we have collected. The public are wholeheartedly behind maintaining the Constables in the States, but they want what they describe as "Island-wide representation" as well. Deputy Baudains' amendment fails totally in delivering any representation that is larger than the existing parishes or constituencies. It does away all together with any semblance of a wider representation, any Island-wide representation. I believe that is wrong for so many reasons. Not just because the public have expressed their wish that they want it, but also because it would be against the best interests of the Island to have an Assembly elected purely on a small-constituency basis. When listening to various speakers who have spoken in favour of the amendment, I think saying that P.P.C.'s proposition would be attacking the parish system, and this is supporting it, is not right. I believe Deputy Lewis summed it up quite clearly. This is not for the death of the parish system, but what P.P.C. are proposing would enhance the parish system by making the Constable an even more

important person. I think when considering this amendment it is very important Deputy Baudains is proposing we stick basically to the present system but do away with the Island-wide mandate, the Senators, and add a few more Deputies. We have a system of ministerial government which we have adopted. Members I hope will listen very carefully to the following figures I am going to quote and think how they fit in with the system of government at the moment. That is, the mandates of our current 53 Members: 9 Members of this House have a mandate between 10,000 and 15,000 votes. No surprise they are all Senators, Island-wide elected; 3 Members have a mandate between 8,000 and 10,000 votes, the other 3 Senators. No Members have a mandate between 1,500 and 8,000 votes; 5 Members have a mandate between 1,000 and 1,500 votes; 18 Members have a mandate between 500 and 1,000 votes; 3 Members have a mandate under 500 votes; 15 Members were elected uncontested. None of those 15 Members could have had a mandate above 1,500 votes, on past performance. All Senators have over 8,000 votes. No Deputy has more than 1,500 votes. The majority of Deputies, 21, have a mandate of under 1,000 votes. In ministerial government it would mean that no one would be Chief Minister with a mandate of more than 1,500, if we supported the amendment of Deputy Baudains. You would have a Chief Minister and all Ministers would have mandates of less than 1,500 votes. The public in the past have stressed they want to have a say in who is Chief Minister, and the closest they get to having a say, they believe, is by electing Senators. I think it is very, very important. We would have an Assembly made up under Deputy Baudains' proposition where the largest mandate would be under 1,500 votes, unlike now where you have Members in this Chamber with over 10,000. I do not think that is serving the public. I do not think it is what the public wants. Under P.P.C.'s main proposition, Sir, all Members would have a large mandate of around 5,000 votes. All Members would be playing a full part, along with the Constables, in forming a much more democratic chamber. I was very surprised to hear Deputy Duhamel trying to come up with undemocratic ways in which we could divide up how many Deputies there should be in a Parish, and perhaps there should be selected representatives not on population. I wondered if he was going to mention vergées or cattle next. It is quite clear that at present we have a system, which is why we are looking at it, and I do not agree with Senator Syvret on his very pessimistic view. I believe the public want us to change, want us to develop a much more democratic system. We will not achieve that by moving to an Assembly where we will still have the same old discrepancies, undemocratic discrepancies between Deputies elected on a very small number of votes and even Deputies elected on a much larger number of votes. That is not democratic I am afraid. It is not giving voters the same expression that they can have under a super-constituencies model, which is the closest P.P.C. have come up with to meeting the public's wish for an Island-wide mandate. Everyone would have roughly the same mandate, within a few votes, and all the people voting would be able to feel they are participating and voting for their Members in the same way. Interestingly, I think Senator Norman seemed concerned that people would be disenfranchised. I do not think they are disenfranchised. They are disenfranchised at present, some of them. This would give everybody the same franchise. One of the arguments he used trying to worry people was that smaller parishes would be outvoted by urban parishes. I am afraid Senator Norman is not here at the moment, but that is ignoring reality. The reality is, and you can look back over all the records, as P.P.C. did, that over the elections since the War, when we have had Senators, all parishes, from the smallest to the largest, have, by and large, elected the same Senators. In fact, St. Mary often say to us that: "You need not bother to have a senatorial election in the other parishes. Just wait for the election in St. Mary and you will know which are the 6 Senators getting in". So this nonsense about being outvoted by larger parishes is not right. People of the Island will vote for the best candidates that are put forward. They wish to retain, as far as possible, an Island-wide mandate. I believe Deputy Baudains' amendment, though it would be workable, does away with this entirely and puts us in a situation whereby there is a danger there will be a domination of Parish-pump politics without people taking the Island-wide view, as they should because we are all elected to represent the Island, and we should all be representing the Island. I want to enhance the role of the Constables. I want to see the Constables as the leaders of their Parish representing the Parish view, and I want to

see the other States' Members, all of them, taking the Island-wide view first and taking their constituency on a larger constituency view second. Sir, I hope all States' Members, but particularly Deputies, will put aside thoughts of themselves and vote for what is in the best interests of the public and that is to reject this amendment.

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

To me, Senator Vibert's speech is probably the best speech I have heard so far today for the status quo. Anything that threatens the weakening of the Parish links should not be supported, and equally, Sir, there is an Island recognition of the attraction of the Island-wide vote. For that reason, that is why I find the P.P.C. main proposition completely flawed. Accordingly, Sir, I am going to support the amendment. It is not a case of a turkey voting for Christmas issue. In my experience, I am part of the system that I am happy with and support. As a Parish Deputy I have been to 3 Parish functions in the last week. It was put to me on a number of occasions that people like to be able to see us and to speak to us. For the sake of argument, I think it was Senator Ozouf who used the example of a super-constituency -- I think it came up with slightly more entities. I came up with St. Lawrence and Trinity and/or possibly St. Mary and St. John, and the general feeling in the conversations we had, that large constituencies will just break that link and, in the view of the people I was speaking to, will start the process of ultimately shattering the parish system. Those who argue that the main proposition strengthens the role of the Parish and the Connétables are, in my view, sadly misguided. The point of the parish system is the ability of parishioners to engage with their local politician, and it is that link which strengthens our feeling of community. It is that intangible quality that is part of our unique Jersey character and our sense of community. That is the system, and that is what I support. I think, although I disagreed with her views, the Deputy of St. Mary called it "that essence of Jersey." It is noticeable that visitors to this Island comment on the strength of community that still remains in Jersey. It may be less than in days gone by, but it is still strong, and it is still valid, and it is still all about engaging with our population. If you break that link, I do not think you will see electoral turnout increasing. I think you will see it going down even further. Just as a point of clarification, it is my understanding in Guernsey that the Guernsey Connétables have not for a very long time stood in the Guernsey States, and therefore it was not a case of the link has been weakened because the Connétables have been taken out. The Connétables were not in there. The representation was the Deputies of the area. If the Connétables were not in the States originally, then the point was the removal of the Connétables from the Guernsey thing cannot be responsible for the weakening of the parish system in Guernsey, which was what Deputy Huet was referring to. As I said, in my view, the parish system is community engagement, keeping those links to the population and trying to listen to the electorate. I am going to support this amendment. I am still not sure if I am going to support whatever the main proposition turns out to be. Thank you, Sir.

1.1.20 Senator J.L. Perchard:

Deputy Baudains' amendment is perfectly viable and is obviously supported by many Members in this House. It is an amendment to the substantive proposition from P.P.C., which is again perfectly viable and supported by many Members in this House. I just wonder why we do not give the alternatives to people through the means of a referendum, of which we are proposing anyway, to decide which of these 2 viable and perfectly workable options they would wish us to adopt? What is it that we are doing here? We are pontificating, arguing among ourselves over 2 perfectly viable options, and I suggest to Members there are other options. Why cannot the general public be given the opportunity to decide which of these 2 they prefer? Is it that they are not capable? Is it that we need to make this decision for them? I suggest not. That is why I will be voting against Deputy Baudains' amendment. I suggest the House does it as well, and I suggest I will be voting against the substantive proposition. I suggest Members do that as well because we cannot and must not be so presumptuous as to tell the good people we represent how to do it.

1.1.21 Deputy I.J. Gorst:

I feel I must just comment briefly on some of the highs and the lows of this debate. On a serious note, I feel the lowest of the low was our decision not to stop the debate for the sake of showing respect to a previous Member of this place, and I feel that was indeed a low and reflects very badly upon us that we could put navel-gazing in front of recognising and respecting duty to this Island. When I think of the high... well, I better move on because I cannot think of one. Today is indeed decision day. If we decide that neither Deputy Baudains' amendment nor P.P.C.'s proposition is acceptable to us, then it is my understanding that my colleagues in P.P.C. will not be bringing back further alternatives for reform. It is disingenuous then for Members at this stage to suggest a slight tweaking here or a possibility of doing it in another way. That will not be happening. We just heard the previous speaker say he believes the public should be consulted again on further options. P.P.C. have already consulted the public on various options. After much work, they have considered various issues. They have considered the findings of the poll and what the public felt they wanted in an electoral system, and having tried to weld all these options together, they have come up with their proposition. It seems to me, having looked at some of the issues and the concerns that have been raised, some of the public's requirements, this proposition and this amendment before us today is now our chance to make a change. No further options for change will be brought by this current P.P.C. Committee. If we do not want change, let us be honest and vote against both the amendment and the proposition. If we do want change, it is my understanding that these are the only workable possibilities. Having said that, I will be supporting my fellow Deputy for one simple reason and that is the protection, and my colleague in front of me will know I am harking back to the 19th century. Maybe I was indeed born in the wrong era -- but for one simple reason, and that is the protection of the parish system, which in my opinion, and I acknowledge that I am indeed a newcomer and have married into this Island, but in my opinion it is that parish system which makes this Island what it is and makes it great. If we look to the experience of Guernsey, and it is important when we are looking to make changes like this to understand the experience of other jurisdictions. If we look to the experience of Guernsey, we see their large constituencies have weakened the parish system beyond all recognition. Therefore we should learn from that experience and, I believe, support Deputy Baudains' amendment to protect the Parish. Thank you, Sir.

1.1.22 The Deputy of Martin:

A couple of issues I would like to take with Deputy Gorst, and one is about the low day. I think, with respect to Deputy Gorst, there have been funerals on other days when States sittings have been on, and I think it is rather unfair to those who voted for us to continue the business of the States for them to be considered to be acting in a low and underhand way because I know myself that I have had to leave the Chamber to attend funerals on a States' day, and I am sure some of us will have to do so in future. So I think it is rather unfortunate Deputy Gorst had to mention that. He also mentioned today is a decision day. I do not think it is a decision day because whatever decision we are going to make today we are going to put on, anyway, to a referendum. So I do not think it is decision day, and I spoke yesterday on this, and if we look again at what Senator Perchard has to say, we have the option of this decision being put to another day and being put to a referendum because that is the whole purpose of P.P.C.'s proposition. They are saying: "Let us get an idea of what the States' Members say, and if we think this is okay, then we ask the public to confirm it." I think we are going to find today that we may well end up with nothing. We are not going to vote for Deputy Baudains. We are not going to vote for P.P.C.'s, but I hope then we will support what Senator Perchard has because what Senator Perchard has is -- his first one is the Deputy Baudains' option. The second one is P.P.C.'s option. The third one is very much like someone said Senator Vibert wants, keeping the Senators in the States, and the fourth one is closest to Clothier. So I think really what we have to do is look again. I am going to vote against Deputy Baudains, and I am going to vote against P.P.C.'s, but I will be giving my support to Senator Perchard.

The Bailiff:

If no other Member wishes to speak, I will call on Deputy Baudains to reply.

1.1.23 Deputy G.C.L. Baudains:

First of all, I would like to thank Members for what I consider has been an orderly debate on a very important subject. There was not the shambles which previous debates had degenerated into, and I do thank Members for that. There were a number of speakers who... I had some difficulty trying to understand the point they were trying to make. Perhaps I could address those first. The Deputy of St. John opposed me because he believes that the P.P.C.'s option is the better one because it will not diminish the Parishes, it will strengthen them. Well, Sir, I have to say I do not follow the logic, and he did not give me any evidence to back up his assertion. Apparently, as we have heard from other speakers, he must be unaware of the Guernsey experience. He did speak of confusion between the work of a Deputy and the Constable of St. John. Well, that may be so, Sir, but possibly a problem unique to St. John. I might suggest his confusion overflowed into his speech. Deputy Fox spoke about the tradition of keeping the Parish together, and is the Island-wide mandate so important is what I understood him to say. Then I lost him slightly because it would seem that in opposing me he forgets that super-constituencies would divide his Parish into 3 separate units and amalgamate them elsewhere. I wonder if he remembered that. Likewise, with Deputy Le Hérisier - unusually for him, straight off his father: I can see far and wide over the whole range. He did ask a question about the difference between Deputies and Constables I raised during my opening speech of one being a delegate and the other a representative, but then I believe he went on to answer his own question, so I shall not dwell on that. Deputy Martin, I thought perhaps had not read the proposition and amendment properly because she wonders why my amendment does not give us a general election. Well, yes it does. That is the whole point of it. Both options give us a general election. Compromises have had to be made in order to achieve a general election - likewise with Deputy Fox - I wonder if she would be so enthusiastic about super-constituencies when she realises what would happen to the Parish of St. Helier. If I could just briefly go on to others: Deputy Huet will support. I thank her for that and Deputy Ferguson. Interestingly, Deputy Ferguson referred to *Clothier* and reminded us that investigation found that Senators did not do anything really that Deputies did not do, which is interesting and will be interesting when I come to comment on Senator Vibert's contribution. She could not find anything in *Clothier* that recommended larger constituencies, yet there are those who believe we should put a rubber stamp on *Clothier* and move on. The Deputy of St. Mary opposed, as I knew she would, as Vice-Chairman of P.P.C., but I believe she failed to make the case for the alternative option, which of course has been P.P.C.'s main proposition. She called her Parish "the happy Parish" which I am delighted to hear, and "the Parish system is part of the essence of Jersey." Both options are workable and viable, and we need to safeguard the Parish system. She said she had amazed even herself by coming around to the super-constituency way of thinking - well, me too - and says my amendment would do away with the Island-wide mandate, but of course so does the other option. They both do away with the Island-wide mandate. She admitted that P.P.C.'s option would mean that the Connétable would remain the only direct link between a Parish and the States. Senator Norman, I thank him for his 100 per cent support. The Parish is absolutely central to our way of life, a "bedrock" I believe he called it, and we should not put that at risk, and he believes that in super-constituencies smaller Parishes will become disenfranchised and overwhelmed by their larger cousins, which is precisely my concern, as I believe I made clear in my opening speech. The public do want change; yes they do. They do want a general election; yes, they do - and these are the only 2 options which will achieve that. He said my amendment does that and more. Senator Syvret I did find difficult to follow. We have important business on the Order Paper. So, this is not important? I really fail to follow that line of thinking. Clearly he does not consider the constitution of the States an important matter. I wonder if perhaps his main cause of concern were because both options dispense with the office of Senator. Maybe he does not fancy his chances as a Deputy. I do not know. Senator Ozouf I thank for his speech. He opposes both options. I think he fell into

the trap that some others did because he did not rule out some merging but did not want to go as far as super-constituencies. I think he fell into the trap of believing there is yet another option we have not discovered which we should investigate. We could carry on putting things off for years, only to find, as P.P.C. have done, that there are no other viable workable options. There are other options. Most of them, if not all, will not work. I thank Deputy Duhamel for his support. He used the word “evolution” not “revolution” and that is precisely my thinking, which I will come to again in a moment. Senator Vibert: to be perfectly honest, I found his argument somewhat weak. Deputies may not support my amendment because it would be the ‘Christmas turkey’ syndrome I found possibly unhelpful. It is simply not the case. I thought that was slightly underhand, but then of course he put his foot in it by telling us the Island-wide mandate is so important, while he is a Senator. So I really could not get my head around that. I could not understand the point he was trying to make. He did say my amendment does not accommodate an Island-wide mandate. Well, yes, that is true, but neither does P.P.C.’s proposition accommodate an Island-wide mandate. It does make a compromise, and of course what I am suggesting is that compromise carries certain risks with it and those risks should not be underestimated. He spoke of the greater democracy of super-constituencies, and, in fact, democracy was a word he used many times. I believe the evidence is against him. I believe that minor Parishes will become unrepresented, reducing democracy and not increasing it. I believe smaller Parishes in an amalgamated unit will become marginalised. Thank you, Deputy Le Fondré, for supporting me. Large constituencies will shatter the Parish system; precisely. One of the main reasons why I have brought this amendment is that the engagement between parishioners and their representatives would be weakened. I can only agree with that. He believes if we break that important link, voter turnout will go down rather than up; and it is to increase the voter turnout that we are seeking to agree on what changes should go to a referendum. Senator Perchard, I believe, has made a similar mistake to a couple of other Members. He opposes... the amendment is perfectly viable, and P.P.C.’s proposition is perfectly viable, but he cannot see why we cannot put both to a referendum or possibly even more options. I would refer him to my opening speech, and I will just briefly repeat, where I said that imagine we put 3 options to a referendum: P.P.C.’s option, my amendment and the *status quo*. It seems very simple. Why not do that? As I said in my opening speech, if you look at the maths and imagine that 20 per cent vote for no change and the rest are fairly equally divided between the changes they want, that means 80 per cent of people want change but we would be unable to implement either because we could not choose between the 2 because the public have not chosen between the 2. So we would end up doing nothing, disappointing the 80 per cent majority. That is why we have to make the decision. I thank Deputy Gorst for his support. As he said, today is decision day. Of course, as others have said, today we are not deciding which constitutional change will be put in place. We are deciding which constitutional change will go to the public for approval. I know he fully understands that, but I thought that is a point Members should be made fully aware of. He repeated that there are no other viable alternatives, and it is a fact that if these are turned down today, P.P.C. will not be coming back with any more alternatives because there are none to bring back. So Members may or may not approve the amendment. If Members turn down the proposition, I hope they have an answer to the public who say: “Why are you opposed to change? You are just looking after yourselves” because that will be the accusation. We should at least put it to a referendum. The public can turn it down if they like. The simple thing is if Members do not want change, vote against the proposition; it is not necessary to vote against this amendment. He supports me, and I thank him for that, and the major reason he has cited is protection of the Parish system, and I think that is what runs through the heart of all the arguments in favour of the amendment. I would point out, Sir, I have not brought this amendment because I am opposed to change. I have been accused of virtually no change by one speaker. Of course that is quite ridiculous because it is major change in P.P.C.’s proposition, as amended with my amendment; if that is successful, a major change. We are putting forward to the public the possibility of doing away with the Senatorial position. We are changing the number of Deputies. We are reducing the numbers of States Members overall. We are making the representation across the Parishes more

democratic, more equitable. I cannot see how these can be called no changes. Just referring briefly back to the comments made by Deputy Duhamel, and to use a well-known engineering analogy; when you are preparing racing machinery, as I have done over a number of years, you make one change at a time. Those Members who want to move on - I think it was Deputy Le Hérissier - and make all these changes at once... I would urge Members that is exactly the wrong thing to do. If you make several changes simultaneously, you cannot tell whether each individual change is beneficial. The overall effect may be an improvement, but one of the changes could have been a disadvantage, and it is masked by the others. I believe in evolution, and the way to achieve that is one step at a time. Evaluate before moving on to the next step. I have already said that those Members harbouring thoughts of other alternatives yet possibly unrecognised should bear in mind the following comments from a P.P.C. discussion paper, if I may briefly quote from it, Sir. It is just 2 sentences: "If Members are serious about wanting reform, they must make a decision today. There is no scope to keep searching for some holy grail that will provide a better reform option." There are no other options that meet the criteria. It is as simple as that. It is a simple choice, Sir. Abolish the Senators' position in order to make a single election day possible. Then you elect Deputies by one of 2 means: amalgamating the Parishes, as P.P.C. wishes to do, or dividing it up, in the case of St. Helier, or my option: elect Deputies to the Parishes in the usual way, adjusting numbers to make it more equitable. Such a change is a viable alternative to the present arrangement and goes as far as we can to addressing the complaints that some members of the public have made about us. As I have said, Sir, another consideration we must not forget is today we are not making those changes. We are merely deciding which change should be put to the public. If we subsequently find the calls for those changes have come from a vociferous minority, and that may be the case, then it simply will not be supported in a referendum, and we will be able to act accordingly when the matter comes back to this Assembly. It is a simple choice today, Sir. Out of all the workable options to implement a single election day, which one of the 2 options do Members consider best? Losing the Island-wide mandate is inevitable if we are to have a single election day, and both options do that. However, Sir, I believe the advantage of maintaining a strong link with the Parishes outweighs the halfway house proposed by P.P.C.. This is viable change: a general election while maintaining Parish representation, and I propose the amendment, Sir, and ask for the appel.

The Bailiff:

I ask Members to return to their seats. The appel has been called for. The vote is for or against the amendment of Deputy Baudains. The Greffier will open the voting.

POUR: 15

CONTRE: 27

ABSTAIN: 0

Senator L. Norman

Senator S. Syvret

Connétable of St. Brelade

Senator T.A. Le Sueur

Connétable of St. Martin

Senator P.F. Routier

Connétable of St. John

Senator M.E. Vibert

Deputy R.C. Duhamel (S)

Senator P.F.C. Ozouf

Deputy A. Breckon (S)

Senator T.J. Le Main

Deputy J.J. Huet (H)

Senator B.E. Shenton

Deputy G.C.L. Baudains (C)

Senator F.E. Cohen

Deputy C.J. Scott Warren (S)	Senator J.L. Perchard
Deputy S.C. Ferguson (B)	Connétable of St. Clement
Deputy of St. Ouen	Connétable of St. Helier
Deputy P.V.F. Le Claire (H)	Connétable of Grouville
Deputy J.A.N. Le Fondré (L)	Deputy of St. Martin
Deputy D.W. Mezbourian (L)	Deputy P.N. Troy (B)
Deputy I.J. Gorst (C)	Deputy R.G. Le Hérissier (S)
	Deputy J.B. Fox (H)
	Deputy J.A. Martin (H)
	Deputy G.P. Southern (H)
	Deputy P.J.D. Ryan (H)
	Deputy of Grouville
	Deputy J.A. Hilton (H)
	Deputy G.W.J. de Faye (H)
	Deputy S.S.P.A. Power (B)
	Deputy S. Pitman (H)
	Deputy A.J.D. Maclean (H)
	Deputy K.C. Lewis (S)
	Deputy of St. John

2. Composition of the States: revised restructure and referendum (P.75/2007) - further amendment (P.75/2007 Amd)

The Bailiff:

We come next to a further amendment from the further amendments brought by Deputy Southern, amendment number 2. I will ask the Greffier to read that amendment

The Greffier of the States:

Amendment 2: “After paragraph (b) insert the following new paragraph and renumber accordingly: “(c) to charge the Privileges and Procedures Committee, in conjunction with the Comité des Connétables, to conduct a thorough review of the electoral register and the voter registration process and to report to the States with recommendations to ensure the accuracy of the register by 2010 at the latest.”

2.1 Deputy G.P. Southern:

This one I hope will not take us the 2 and one half hours the last amendment has made because it is I would think, in the modern jargon, a no-brainer. It is an old hobbyhorse of mine that I think the electoral register in the urban Parishes is woefully inadequate. I therefore call on the Privileges and Procedures Committee, as part of their reforms, in conjunction with the Comité des Connétables, to have a good look at the electoral register and to try to ensure a greater level of accuracy by 2010, in time for the 2011 elections. I do not believe it interferes with any other aspect of their reforms, but it is the final backstop, if you like, to say please, please do something about the electoral register. This is the very minimum we could do and in a timescale which is proportionate. I would hope, in fact, the P.P.C. would accept this amendment, and we can get on with other things more important than this.

The Bailiff:

Does any Member second it? [**Seconded**]

2.1.1 Deputy P.V.C. Le Claire:

If I could briefly speak, Sir, I hope the next person to speak would be the president of P.P.C., and if he accepts it I hope nobody else will follow.

2.1.2 The Connétable of St. Clement:

Yes, Sir, P.P.C. does support this amendment, and in point of fact have already set up a working group under the chairmanship of the Deputy of St. Mary. We intend to get as many people involved as possible, including the Comité des Connétables and other people that are involved in the registration process.

2.1.3 Connétable A.S. Crowcroft of St. Helier:

Sorry to disappoint Deputy Le Claire. It is just a slight comment. I am going to pick-up Deputy Southern because he has got on his hobbyhorse again. I normally let him do so and gallop around the Chamber without commenting, but he does like to go on about how woefully inadequate the electoral register is. I think that does a disservice to the Parish secretaries in particular around the Island who have been struggling with, among other things, requirements imposed upon them by the States, not all of which have proved very successful. I am referring in particular to onerous requirements to send out numerous pieces of paper to people who are simply determined not to read them or reply to them. Also of course a new computer electoral system which has had huge problems with its implementation. It is still causing problems, and I believe our staff work extremely hard to try and make the electoral register work. It is not an easy system. There are those who think an all-Island electoral database would be much more sensible and much more accurate, but I believe these ideas, all of them, should be fully explored in the review, and I support it.

2.1.4 Deputy P.J.D. Ryan:

Just very quickly, Sir, one of the things we will be looking at in the ongoing migration policy review that I Chair - a Sub-Panel of Corporate Services - is the question of the other uses to which the central database could be used. It is possible, and I would hope, that P.P.C. also consider this. Deputy Southern did have a proposition that I did not support not so long ago which linked the electoral roll to the central population database, or should I more correctly call it the central database of basic name, address and identifiers. There is a danger the population office database is confused over what exactly that database can be used for. Deputy Southern's insistence there would be no time delay between someone getting their name on that central database and having the right to vote was one of the main reasons why in fact that failed. I did ask him if he would be prepared to separate those 2 parts of his proposition that was in fact defeated. Had he done so, I think that logically many Members would have seen the advantages, in terms of efficiency, of using that central database. Why I rise to speak is to tell Members we will be looking at it and I hope that P.P.C., and whichever the Sub-Committee is, also considers the views and the information that we

discover and the evidence we discover. So I just make that point, Sir, and I will be supporting Deputy Southern in asking for this review, thank you.

The Bailiff:

I call on Deputy Southern to reply.

2.1.5 Deputy G.P. Southern:

I thank all those who contributed, albeit briefly, and reiterate there is no inference in this proposition or this amendment to criticize any members of those who compile the register. They are doing their best in trying circumstances. I hope any recommendations or any process does not interfere with the production of any alternatives to guarantee accurate registration in the future. With that, I would call for the appel please, Sir.

The Greffier of the States (in the Chair):

The appel has been called for on the second amendment of Deputy Southern. Members are in their designated seats, so I will ask the Greffier to open the voting.

POUR: 35	CONTRE: 1	ABSTAIN: 0
Senator S. Syvret	Deputy K.C. Lewis (S)	
Senator L. Norman		
Senator P.F. Routier		
Senator M.E. Vibert		
Senator P.F.C. Ozouf		
Senator B.E. Shenton		
Senator J.L. Perchard		
Connétable of St. Clement		
Connétable of St. Helier		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. John		
Deputy R.C. Duhamel (S)		
Deputy A. Breckon (S)		
Deputy J.J. Huet (H)		
Deputy of St. Martin		
Deputy G.C.L. Baudains (C)		

Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy A.J.D. Maclean (H)				
Deputy of St. John				
Deputy I.J. Gorst (C)				

3. Composition of the States: revised restructure and referendum (P.75/2007) - second amendment (P.75/2007 Amd (2))

The Greffier of the States (in the Chair):

The Assembly comes now to the second amendments, the amendment lodged by Deputy Le Fondré. I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

In paragraph (c), for the word “voting” substitute the words “eligible to vote.”

3.1 Deputy J.A.N. Le Fondré:

What is before us today, Sir, if accepted - which is possibly more in doubt now - is probably one of the most far-reaching reforms of the States Assembly this century, to put it in context. Bear in mind it is P.P.C. that brought the idea of a referendum and that these proposals should be put to the Island, but their proposals will not be adopted unless supported by a majority of those voting in the referendum. In its report, P.P.C. talks about sending a clear signal to the electorate that the result of

the referendum will be the deciding factor even though it is not legally binding on the Assembly. The problem I have with this, Sir, is that if you are going to go to all the effort of asking people their opinion in a referendum, in my view, we need to make sure this clear signal cannot be misinterpreted. There will be people who may believe I am trying to scupper the reform proposals. Let us be very clear: that could not be further from the truth, but it is P.P.C. who have brought the idea of a referendum. We are talking about fundamental reform here. We are getting rid of the Senators. We are potentially reducing the link with the Parishes by having large electoral districts. These are big issues. As I have mentioned in my report, if a company, for example, is doing something fundamental, then there is a recognition in law that such changes need to be approved by the majority of shareholders of those shareholders entitled to vote. In fact, U.K. company legislation requires a 75 per cent majority of total shareholders. That is because it is felt that where a major fundamental change is proposed, it is recognised there needs to be a clear acceptance by shareholders of those proposals in order for them to be given proper validity and proper acceptance by a majority of all of the Members. If you look at referenda elsewhere, I have always understood that a clear endorsement is required; for example, France on the European Union Constitution, or last year when Montenegro voted to secede from Serbia. That required a 55 per cent majority of the people. Not those voting, but of the population eligible to vote, and that level was agreed and set by the European Union. Out of interest, the people approved it, by 55½ per cent. To apply that to our circumstances, we are proposing a major reform of this Island. It is therefore my view that we need a ringing endorsement of such proposals for them to be acceptable to the Island. Accordingly, I believe that in order for a referendum to be valid, the proposals must be supported by at least half of the electorate. That is the whole point of a referendum. It is designed to ask people their views. My fear is what happens if we get a 60 per cent approval but on a 48 per cent turnout? That would be a 29 per cent endorsement of the proposals, and that leaves 71 per cent of the electorate having not approved the proposals. It will need to be made clear to the public that if they do not turn out, then these reforms will not get through. That is what seems to happen elsewhere, and to an extent it could be a force for galvanising the support of the electorate for these proposals, provided there is the urge for reform out there. P.P.C. will probably argue that if people cannot be bothered to turn out, then that is their problem. Well, it does not seem to be a problem elsewhere in the world. P.P.C. say in its report they are hopeful that there will be a high turnout for a referendum. Well, there are lots of people out there who are hopeful it might be sunny tomorrow. It does not mean it is going to happen. It therefore does not take a genius to work out if we get an ambivalent response from the electorate, then any Member not supporting these proposals will cast doubt on the results and the whole debate is going to start again, and we will be left with accusations that we have once again ignored the electorate. Those will be the words used. While it is inconvenient, I believe the process is called democracy where we do listen to the clear voices of the majority, and we set out to listen to those voices. Just because we have had a good turnout for Jersey, which could be 50 per cent or maybe even 60 per cent - and bear in mind we have not had that as an overall average percentage in the last 6 elections - how do we ensure we have a clear endorsement of the proposals? If there is apathy does that mean there is a general demand by all the population for reform of this nature? P.P.C. has asked for a referendum. If you are going to have one, then this issue needs to be dealt with. There needs to be a clear endorsement of the proposals in order for them to be achievable. To be frank, I was disappointed with the response of P.P.C. in its report. In my view, its second paragraph is basically waffle. It is the total electorate that is the issue, and it is as a majority of the total electorate that we should be basing the results upon. If we get a 40 per cent turnout, we are going to be in trouble. That is not even a majority of the electorate. That is my concern, and P.P.C. in its proposals have not addressed this. I therefore propose my amendment. Thank you, Sir.

The Greffier of the States (in the Chair):

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

3.1.1 Deputy G.P. Southern:

I thought I had covered all the bases in my first speech, which was short enough; God help us, but now we have another option: The pretend to do something option while making absolutely dead-nail certain that we will not achieve it; and this is it. Pour tout changer, il faut rien changer. This is guaranteed to get no change at all. If you want to vote for it, vote for it, but let us move to a vote as quick as we can.

3.1.2 Deputy C.J. Scott Warren:

This amendment, if adopted, as has just been said by Deputy Southern, will ensure that no change is ever likely to happen. It would require an unrealistically high or large turnout to achieve that necessary percentage result, and the only way we would do that is if we introduce a system of compulsory voting. I would maintain that under the same principle as is being suggested by the proposer of this amendment, most if not all of us who faced an election would never have achieved the required mandate to sit in this Assembly. The only way to achieve what is being requested by this amendment and to have a result that is acceptable to introduce any new system would be to make a vote compulsory. Thank you, Sir.

3.1.3 Senator P.F.C. Ozouf:

The more I hear the benches of the J.D.A. (Jersey Democratic Alliance) want something, the more I am entitled to vote against it. Deputy Scott Warren, however, was more measured in her remarks. I support very strongly what Deputy Le Fondré is trying to do here. He is absolutely right, and the thing he informed us that he may want to put more detail on in his summing-up is what is the situation of referenda in other places? He explained, I think, that referenda in other places, and of course questions in referenda, are only on the most important constitutional issues. They are on the most important issues facing a nation. He explained referenda in other places do need to command a majority of those eligible to vote, Switzerland being one case in point. I believe that its questions for referenda only get through if it is indeed a majority of those eligible to vote. Otherwise it is meaningless. Those people who want to try and get the speed of the reform and the composition of the States slipped-through under the wire with a low turnout in a referendum, they will be fighting; they will be arguing against what Deputy Le Fondré is doing, but responsible jurisdictions who care about the views of the electorate, who respect what referendums are, which should only be important questions on massively important constitutional issues, have this check in place. What are those people who are proposing constitutional reform of the States afraid of? Are they afraid of not getting a majority in favour? Surely if we pass Deputy Le Fondré's proposition, and the underlying proposition gets through, then we will be able to engender a deep sense of importance in the population; that we will encourage people to go out because it will be something that matters. If we do not have this, it is as though it does not matter. Elsewhere... and if he can explain any jurisdiction that has a referendum arrangement that does not have an eligibility to vote criteria in it, then I would appreciate if he were to say it because effectively if it is good enough for places that have referenda, such as Switzerland and elsewhere, then it is good enough for us, and we should not be trying to slip something in with a simple majority of those simply turning out to vote on such an important constitutional question.

3.1.4 Senator L. Norman

Without wishing to be unkind to Deputy Le Fondré, I have to say that this is the most appalling and mealy-mouthed proposition that we have had in the last couple of days, unsurprisingly supported by that arch-conservative, Senator Ozouf. No change. Now, if I was cynical - which I am - I could accuse Deputy Le Fondré of creating a device to publicly support change, as he has done in this Chamber this morning, then engineer a situation where that change cannot possibly happen. That is not terribly honest. This amendment should be rejected, not simply because I do not think it is terribly honest, but because the referendum itself is merely advisory, and States Members - whoever they might be when the referendum is finished, - are the ones who will make the decision,

and if they wish to ignore the indications of the public, they can do that. Not very wise, perhaps, but they certainly can do that. In the report attached to the proposition, Deputy Le Fondré talks about the rules that apply to companies, shareholders and corporations. I remind this House, Sir, that this is not a corporation. This is not a company. This Island is a democracy - a free democracy - and in any referendum, any vote, democratic principles should and must apply. I say to Deputy Le Fondré and to Senator Ozouf, let the people have their say in the referendum. Make our judgment after the people have had their say, not before. I will vote against this proposition, and I hope the vast majority of the House will do so to.

3.1.5 The Deputy of St. John:

I think there are 2 parties interested in this. Perhaps I am using the wrong word there - party - but there are 2 interested bodies in this whole debate: that is the media, and that is us. The public, I am sorry to say, do not seem terribly interested. The public meetings were very, very poorly attended. The recent elections were not terribly well supported. So I am afraid what you end up with otherwise is the opinions of a fairly small minority of people if you do not have a referendum of this nature. I am afraid I fully support Deputy Le Fondré's suggestion, and I think those who are against it are fearful of the results. This works in other countries. I would like to hear more examples of that, but if you want a referendum that means something you need this amendment. Otherwise, forget your referendum. It will be pointless. The public are not interested. If you want to engage them, you get them to turn out for a referendum in their masses, not just a small percentage of the electorate. I would urge you firmly to support Deputy Le Fondré's amendment here. It will aid the democratic process. Thank you.

3.1.6 Senator M.E. Vibert:

I commend the last speaker that if he looks at the law the States have passed for referendums, they are advisory not binding, and that is major in this. I have listened to Deputy Le Fondré and the previous Deputy. I would like to point out that in the 2005 Deputies' elections in which they got into the House, the average turnout was 33.8 per cent. If we insisted on Deputy Le Fondré's mandate for here there would be 15 people in this House at the moment, not 53. In fact I think there should not be any but the 15 would be those uncontested.

Deputy I.J. Gorst:

I am not sure what the Senator is trying to say because the electoral process for individual Members is first past the post. This is a referendum. It is a totally different...

Senator M.E. Vibert:

Thank you, I am very interested to hear that interruption, but this is in a way a referendum; it is first past the post. Do you support it or do you not? What we are saying here is we should not listen to the public. What we are saying is we should make sure we set the bar so high that we cannot listen to them. I think that if we had a 60 per cent turnout in a referendum - which is nearly double what the Deputies managed to achieve last time around - we should be very pleased. If we had a 75 per cent turnout, fantastic. To then say that we should ignore and not even consider - because it is an advisory referendum - the wishes of that majority, I think that is about as undemocratic as you can get. The Deputy supported the previous amendment, which did not get through. This amendment is a spoiling amendment, which would ensure we never do anything.

3.1.7 Senator T.A. Le Sueur:

I am not going to support the amendment but I am going to draw the attention of Members to the precise wording of P.P.C.'s proposition, which is not to say that the referendum is binding or not binding. That is not an issue. It is to say that if the majority of those voting in the referendum did not support it then this House would be bound by that decision. We have said that we will not pursue them unless supported by a majority. In other words although the referendum is not binding in one direction it is binding in the other direction. If the referendum says "No" this House does

not proceed. I think Members need to take that into account even though it does not in my view affect the argument that the amendment is misplaced.

3.1.8 Deputy G.W.J. de Faye of St. Helier:

For many years I have been an enormous fan of science fiction, but I little thought that in my privileged position of being elected a States Member I would find myself in this Assembly in some sort of parallel universe where legitimacy for representative government is called into question but at the same time we hear that the best turnouts we have had for years was 33 per cent. That means that 66 per cent did not think much of who was standing. I assume on that basis that we should not have had any elected representative at all. We do seem to be indulging in a very bizarre form of fantasy politics on the basis that if enough people do not turn out to vote - and I have heard desperately tedious renditions of how many votes we have all got - well of course Senators get more votes than Deputies, they get the whole Island in an election turnout. What utterly nonsensical statistics that took up yet another 5 minutes of this interminable and wasteful debate. Where are all the crowds battering at our doors because we are an unrepresentative and improperly elected government? It seems to me that most people in the Island are perfectly happy for the States to get on with it and take some decisions and sensible decisions would make an occasional break from the tedium of the usual bad ones. But, here we are again going down the same old route with just an unbelievable amount of pontification to go with it. I am deeply sympathetic with Deputy Le Fondré's suggestion. It seems to me quite responsible. Constitutional change is quite an important issue and it certainly should not be dealt with in the manner that we are currently dealing with it based on M.O.R.I. polls and assertions and fiction. The fact of the matter is even if you are an ordinary little club, society or association - an archery club or the local sailing club - if you want to change your constitution normally it requires a two-thirds majority of the members. Here in the States we are in the singularly unusual position of just being able to do it with effectively the total number of votes, just the one vote majority; that is pretty bizarre. If there had been any form of applied logic from Privileges and Procedures over the last 18 months as to what sort of constitutional measures might be appropriate to the States one might say: "Well, perhaps unless you get a certain number of votes we should not make a constitutional change." That would allow the existing parties in the States - Senators, Constables and Deputies - perhaps to protect themselves from being ganged-up on by the others. So, for instance, as long as 12 Senators or 12 Constables held out unanimously then the rest of us could not shift their position. Now, that is a very tenable position in a historical constitutional body. But no, let us just sort it out with a M.O.R.I. poll: a demographic breakdown of 3,000 marginally interested local folk who may or may not have actually understood the questions. Deputy Le Fondré is making a very sound point in this amendment. It is about the importance of making constitutional change; that is, should not be done on the hoof. That there is importance to making sure that this is going the way that all the people want. I am sorry, if we ever get to a referendum, which I sincerely hope we do not have to, all the fans are going to be, I think, rather disappointed by the turnout. Let us look at the enormous enthusiasm with which the public have gripped this opportunity for constitutional change, and I do feel sorry for the Privileges and Procedures Committee having to constantly jump through these hoops and hurdles that regrettably they have been asked to do. Look at the public meetings. There are more States Members and officials at the public meetings than members of the public. There is your demand for constitutional change. It is non-existent apart from possibly the 6 people who regularly phone up the B.B.C. Radio Jersey lunchtime phone-in who, if you bother to listen - which being a relatively sad person I do - you will find that even they cannot agree among themselves. The reality is that Deputy Le Fondré in his amendment is indicating that constitutional change should be taken seriously and I agree with him on that matter. I do not know whether I am particularly going to support this item **[Laughter]** because personally I would like to see stronger measures within this Chamber to say in effect if we do not have a two-thirds majority of States Members there should be no change, because it should be that tough to change things. Let us face it, at the end of the day we are going to end up with the *status quo* anyway so I really wonder why

we have not moved on to other business, guillotined this, or put a vote of no confidence in the Chairman of the Committee. I think that we have to accept the level of merit in making constitutional change a difficult thing to achieve rather than the sort of knockabout process that we appear to be indulging at the moment.

3.1.9 Deputy P.J.D. Ryan:

Can I just add one more small reality check to those that Deputy de Faye has just put in front of us so eloquently? That is this: I believe that if you are going to have a referendum it should be binding and I also believe, therefore, that if you have a referendum it will be binding on this Assembly. That is my view: in reality, in practical terms it will be binding, in real terms, which is why I cannot agree, although I agree with my colleague Senator Perchard on many things, I cannot agree with him putting this series of 3 or so things to a referendum. I do not think that is what a referendum is for. So, although technically a referendum would not be binding, in reality I think it should be and probably will be. Therefore I will be supporting Deputy Le Fondré.

3.1.10 Senator S. Syvret:

Just very briefly, I did a great deal of research on the whole subject of referendums and plebiscites around the world before bringing a proposition to the Assembly and originally got the Assembly to agree in principle to the holding of a referendum, so I do have a rough idea on what I am talking about. It is certainly the case that within the British parliamentary tradition and custom referendums are not binding; they are not mandatory, they are advisory only. There has only been one nationwide referendum in the United Kingdom, that was to join the E.E.C. (European Economic Community) but, even then, had M.P.s in the House of Commons suddenly decided they did not want to honour the outcome of that election they would have been entirely within their rights to do so. Constitutionally the reason for that is that ultimately when the chips are down Members of Parliament cannot be compelled by external forces or agencies to vote one way or another. They have to be free to vote as they see fit. That, I think, is the effective case here in Jersey. If you wanted to make referendums mandatory you would require a major constitutional shift and a very significant and serious piece of law would need to be drafted that would have constitutional implications for the Assembly.

LUNCHEON ADJOURNMENT PROPOSED

Senator S. Syvret:

I propose the luncheon adjournment.

The Greffier of the States (in the Chair):

Just before the Members adjourn for lunch 2 matters to draw to Members' attention. Firstly the lodging by the Privileges and Procedures Committee of P.94, the Draft Public Elections (Amendment No. 2) (Jersey) Law)200-. That has been lodged this morning. I have also in my capacity as Greffier been notified by the President of the Chairmen's Committee that the Committee has withdrawn under Standing Order 34.1, as is their prerogative, P.77 - the Code of Practice for Scrutiny Panels and the P.A.C. (Public Accounts Committee) - so that is accordingly withdrawn from the agenda.

Deputy P.J.D. Ryan:

May I make a swift point there, Sir, if you would not mind? It was indicated that this was a unanimous decision from the Chairmen's Committee and I would like to let Members know that that was a majority decision and not a unanimous decision.

The Greffier of the States (in the Chair):

Very well. The Assembly stands adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS (Continued)

Composition of the States: revised restructure and referendum (P.75/2007) - second amendment (P.75/2007 Amd (2)) ...continued

The Bailiff:

Does any other Member wish to speak on the amendment of Deputy Le Fondré?

3.1.11 The Connétable of St. Clement:

P.P.C. has gone into great detail about why this amendment should be rejected. It feels it really is too prescriptive. Even if we manage to get 70 per cent turnout it could ignore the views of a large number of electors because, according to our estimates, if you got 70 per cent you would need a 71.4 per cent voting in favour. So, if it was 70 per cent quite a large proportion of electors would be ignored. This would reinforce the perceived opinion that we ignore members of the public anyway and I think that would just reinforce that opinion. But, I am not certain that it is really accurate to say that countries like Switzerland require 75 per cent of the registered electors.

Deputy J.A.N. Le Fondré:

On a point of clarification I do not think I did say that. The only reference I have ever made to 75 per cent is as a special resolution on a company where a change is of such magnitude that it requires a majority of shareholders entitled to vote. I have never made that reference to Switzerland.

The Connétable of St. Clement:

I think that is slightly inaccurate as well, Sir, because what a company requires is 75 per cent of those voting, either in person or by poll. Not 75 per cent of the registered members. Also I think it was pointed out that private bodies such as associations...

Deputy J.A.N. Le Fondré:

I am sorry to interrupt again. Can I give another clarification? This is off an internet site for U.K. legislation: "A special resolution is a resolution passed by a majority of not less than 75 per cent of members who being entitled to do so vote in person or in proxy." Entitled to do so is the key thing.

The Connétable of St. Clement:

We seem to be having an exchange which would not seem to be appropriate at this stage, Sir. Nevertheless, private bodies who have constitutions certainly require 75 per cent of the whole of members present. So, bearing that in mind... and I think that the Deputy has still misinterpreted exactly what the company law requires, being a shareholder in a few companies - only a few companies - and they have changed their memorandum of association. Certainly the letter that the chairman sends does include the fact that 75 per cent of the members, either present in person or by poll, are required as a majority. But, nevertheless the referendum is only an indication because it is up to this Assembly to make the final point. I think it has been made already so I do not want to make it again, but most Members here do not have the mandate that this resolution requires. I ask Members to reject it.

3.1.12 Deputy G.C.L. Baudains:

I will be very brief. It does seem to me that this Assembly is rapidly heading towards a conclusion whereby it is going to vote for no change at all. In the hope that they do not and that the option is put to the public it does seem to me that while Deputy Le Fondré's proposition is well-intentioned

it would have the effect of virtually guaranteeing that whatever the public said would have to be disregarded. Unfortunately, as a consequence I cannot vote for it.

3.1.13 Deputy R.G. Le Hérissier:

Ditto with Deputy Baudains. I believe this is a Trojan horse proposition as has already been set out. I do think, although quite frankly I find their arguments very specious and irrational, that Deputies de Faye and Le Fondré have a good point in terms of needing special provisions for constitutional change. Had, Sir, Deputy Le Fondré shown similar enthusiasm to raising the turnout in elections on other issues, given that a lot of people feel that this Assembly, in terms of democratic legitimacy, is running on 3 cylinders - perhaps 2 - I would have liked to have seen much more evidence from him that when it came to major issues and decisions that there was real evidence that there was democratic legitimacy behind it. That is clearly not the case. I have not seen that raft of proposals from him so I do question what is going on here.

3.1.14 The Deputy of St. Mary:

I would just like to add my voice to that sentiment. I feel that if we vote for this today we are voting to frustrate the electors of the Island in having their say in a way that will mean something and move forward with change. So, I will be rejecting this amendment.

The Bailiff:

I call upon Deputy le Fondré to reply.

3.1.15 Deputy J.A.N. Le Fondré:

I have to say a certain number of the comments made today I did expect, particularly the ones that came predominantly from P.P.C. A lot of the other comments I was very grateful for, which tended to support the point of view I am trying to put across. To address Senator Norman first, it is not a device. A number of people made the reference - Senator Norman particularly and Deputy Le Hérissier I believe - it is not a device to scupper the proposed changes. It is all about democracy. If we are going to take a referendum to the people of Jersey and they are not going to appreciate that it is only advisory in nature to be honest... If we come back, they vote in a referendum; they come up in their view with a conclusion and then we reject it because for whatever reason - for example, the turnout is not adequate - that will be mealy-mouthed. If you want the States to show leadership then show it. If you want a referendum then you have to get the people behind you. I am just going to skip through a couple of comments. I would thank everybody who has spoken in favour of it. I do agree with Senator Norman about letting the people have their say, but all of the people is what I am concerned about, or in this case all of the electorate. Senator Vibert's comment - the problem that referendums are advisory - is exactly the point. If we are going to listen to the public we must be listening to all of the public who are entitled to vote. To be honest I think most other people have spoken in favour. I welcome their comments. I reiterate the point, if we get an average or slightly higher than average turnout then we will find ourselves in a very difficult position. It will be likely that we will not have a clear endorsement of the majority of the electorate for reforms that we may then be being asked to adopt. By inserting the phraseology of the majority of those entitled to vote we are doing less than what other countries have previously required. As I said, Montenegro was 55 per cent of those entitled to vote. Are we saying that this type of reform, which encompasses the most fundamental reforms of the last 60 years, are not that important? I therefore move my amendment, Sir, and call for the appel.

The Bailiff:

I ask any Member in the precinct who wishes to vote to return to his or her seat. I will ask the Greffier to open the voting, which is for or against the amendment of Deputy Le Fondré.

POUR: 10	CONTRE: 35	ABSTAIN: 0
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Senator P.F.C. Ozouf	Senator S. Syvret		
Connétable of St. Brelade	Senator L. Norman		
Connétable of St. John	Senator F.H. Walker		
Deputy J.J. Huet (H)	Senator T.A. Le Sueur		
Deputy S.C. Ferguson (B)	Senator P.F. Routier		
Deputy P.J.D. Ryan (H)	Senator M.E. Vibert		
Deputy G.W.J. de Faye (H)	Senator B.E. Shenton		
Deputy J.A.N. Le Fondré (L)	Senator J.L. Perchard		
Deputy of St. John	Connétable of St. Mary		
Deputy I.J. Gorst (C)	Connétable of St. Peter		
	Connétable of St. Clement		
	Connétable of St. Helier		
	Connétable of Grouville		
	Connétable of St. Martin		
	Deputy R.C. Duhamel (S)		
	Deputy A. Breckon (S)		
	Deputy of St. Martin		
	Deputy G.C.L. Baudains (C)		
	Deputy C.J. Scott Warren (S)		
	Deputy R.G. Le Hérisier (S)		
	Deputy J.B. Fox (H)		
	Deputy J.A. Martin (H)		
	Deputy G.P. Southern (H)		
	Deputy of St. Ouen		
	Deputy of Grouville		
	Deputy of St. Peter		
	Deputy J.A. Hilton (H)		

	Deputy P.V.F. Le Claire (H)		
	Deputy D.W. Mezbourian (L)		
	Deputy of Trinity		
	Deputy S.S.P.A. Power (B)		
	Deputy S. Pitman (H)		
	Deputy A.J.D. Maclean (H)		
	Deputy K.C. Lewis (S)		
	Deputy of St. Mary		

4. Composition of the States: revised restructure and referendum (P.75/2007) - third amendment (P.75/2007 Amd (3))

The Bailiff:

We now come to the third amendment of Deputy Southern and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

In paragraph (e) for the words: “Consult as appropriate with Ministers and” substitute the words: “Consult as appropriate with all Members and.”

4.1 Deputy G.P. Southern:

Probably the briefest amendment we have today and I hope the briefest debate we have on it. It seems to me that more than just Ministers have an interest in making sure that what we come up with is feasible. In particular I am thinking of the problems that Scrutiny have had with timing the scrutiny of the Business Plans in a variety of forms. So, it is important that we change the single word, Ministers, I believe for the 2 words “all Members” and get on and consult, make sure that we have a good way forward in terms of what P.P.C. intend to do.

The Bailiff:

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

4.1.1 Deputy P.V.F. Le Claire:

Likewise I hope that if the P.P.C. is in approval that we can hurriedly move to the vote.

4.1.2 The Connétable of St. Clement:

P.P.C. have made their comments and do support this amendment, the reason being the initial intention was that the Business Plan really is in the remit of the Ministers and we thought that was the most appropriate people to speak to initially. But, nevertheless we do accept Deputy Southern’s amendment.

The Bailiff:

I call upon Deputy Southern to reply.

Deputy G.P. Southern:

Thank you.

The Bailiff:

Standing vote? I put the third amendment of Deputy Southern. Those Members in favour of adopting it kindly show. Those against. The amendment is adopted.

5. Composition of the States: revised restructure and referendum (P.75/2007) - as amended (P.75/2007)

The Bailiff:

Now we return to the debate on the Projet 75 itself. Does any other Member wish to speak on Projet 75?

5.1 Deputy G.C.L. Baudains:

It seems clear from the speeches made this morning to my amendment that several Members have not studied the propositions and amendments perhaps as fully as they should. It is not as if these matters have been complicated. I can only presume it is a symptom of constitutional reform fatigue and if that is so, Sir, I think a heavy responsibility falls on those who have brought previous, unworkable propositions to this Assembly. I do at times despair, Sir, of the decisions which this Assembly makes. I have often said that if we were a business we would probably be bankrupt in a week but then again, of course, businesses do not have the luxury of deciding what they will spend first and then deciding what price they will impose. I fear, Sir, on this item that yet again the Assembly has boxed itself into a corner, possibly by not thinking ahead as usual. As a consequence I have a feeling that we will probably end up voting down these proposals and we will later discover most likely that further propositions on this subject are unworkable, and we will then find ourselves having rejected all viable options for reform and have nothing to put to the public to discuss. Then Members will wonder once again why they are held in such low esteem by the public. We really have to do better than this. This debate is not as if... I think it was an unfortunate comment that Senator Syvret made this morning when he suggested, if I understood him correctly, that this debate was a waste of time. It is, in fact, possibly the most important debate since the Ministerial government changes but, however, because of the position we are now presently in, I find myself in a bit of a dilemma. I want to put options for change to the public but the only option it seems that we have left, because of our decisions, is one that in my view will most certainly destroy the bedrock - as Senator Norman described it this morning - of our society. Can I feel comfortable in offering to the public an option which I believe is totally unsatisfactory? Yet, if I vote against the proposition members of the public will accuse me of not wanting any change. I feel that therefore my only option this afternoon is going to have to be to abstain.

5.1.1 The Deputy of St. Mary:

I could almost repeat the speech I gave this morning. Of course I would not dream of putting anyone through that. Simply to say that while the previous speaker believes that this proposition will destroy the bedrock of our Island society, I see that if we want change this is really the only way left forward and I think we owe it to the people of this Island to give them the opportunity to decide for themselves if this is what they want. As I said this morning, I believe that maintaining the Constables will be the key point to maintaining the strength of the Parish system within the Island and I see no reason why this option would ever lead to the Constables being removed from this House. I think they are on a much safer bet here than they would have been with the amendment that was rejected. I am a great fan of science fiction and I really do feel that this is one time when if we want reform - excuse the split infinitive - we need to boldly go where no reform has gone before. Having said that of course, if this proposition is carried there will be a huge onus on us to advise the public, to brief the public, to fully make sure they are aware before any referendum of exactly what the consequences will be and to make sure they are aware that the *status quo* is really at the moment their only other option. I do not think the public of this Island

are stupid. I think perhaps in the past we have not done the right job of informing them correctly and I for one, as a Member of P.P.C., would make sure that this time we did it right. If you do not support this amendment that is, of course, your right, but ask yourself why you do not support it. What exactly are you afraid of? I believe it is time to give the people the choice to say yes or no and as other people have said, to put this matter to bed for some time at least.

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

I find myself on the horns of a dilemma again. The proposition that I would have supported failed. Now the last speaker is encouraging me to vote for a proposition that I do not want to support on the grounds that if we do not do anything the voters of the Island will say we do nothing. Now, I ask her to put herself in my position and if I voted for this and went back to the Parish Hall at the next Assembly what would my parishioners say? "Who are you going to align us with, Constable? Is it going to be Trinity and a part of St. Saviour?" I am sorry, I cannot support this.

5.1.3 Deputy J.J. Huet:

I hear what Deputy Baudains says and I can see why he is saying that he is going to abstain. I do not agree with these large constituencies but if we all abstain then we are not getting anywhere at all. That is not a good way to go. You have to put a vote up.

5.1.4 Deputy K.C. Lewis:

It is with great reluctance, Sir, that I will have to vote against this proposition. The feedback I get from parishioners is they want the Parish Constables in the States. They want the Deputies in the States and they want the Island-wide vote, so where do we go from there? What I do know is that they do not want the large constituencies. So, it is with great reluctance that I will be voting against this proposition.

5.1.5 Senator L. Norman:

I am sorry to hear that Deputy Baudains is so pessimistic he believes this will not go through and he is quite right, if everybody abstains who believes in reform then it will not go through. I hope that he might be persuaded to give this some support. By process, by long tortuous process over the last 7 years we have in many and various, and sometimes tedious, debates eliminated unworkable change; we have eliminated unfair change and we have eliminated unpopular change - unpopular at least in this Chamber. What is before us, the proposition which is left, the only proposition which is left, is in my view - as I have said many times - not perfect. But is it better than we have now? Imagine that we did not have a States and we were creating one. We had a blank piece of paper to set up the constitution. Would we write down and agree with what we have now; the 3-tier system; the different election days, 14 or 15 different election days? Or would we go for something simple, understandable and with clarity that the Privileges and Procedures Committee have put before us. If we answer that question honestly, if Members answer that question honestly I know what they will say. Sir, Deputy Lewis feels that he cannot support it because he knows what the public think. Well, he must be the only one in this Chamber who does **[Interruption]** because we have had M.O.R.I. poll after M.O.R.I. poll; we have had postal polls; we have had telephone polls; we have had all sorts of surveys and all of them are contradictory - completely, as I said this morning, completely mixed up. They want to keep everything the same but they want to have massive change. That is the message that has come through. There is only one clear way we are going to get some idea of what the public thinks and that is what the Privileges and Procedures Committee are asking us to do. Go out and ask them clearly: "Do you like this or do you not?" We accept that it is not perfect, it is not going to please everybody, but are you prepared to accept this as a first change? Because if, as I say it is not perfect, and it needs to be changed in the future, if there is a massive revolution and people do not want the Constables in the States it will be relatively easy to change it, if that were the view. I do not think it will be, not in my lifetime, but it could be done. All you do, take away 12 and add 12 Deputies. If it was felt we did not have enough States

Members it would be easy to add 2 or 3 more and if we felt we had too many it would be relatively easy to remove them. With the system we have it is almost impossible to make change without massive alterations to our system. If we are going to have any sort of change in the next generation or 2 then we have to give the people the opportunity to decide whether this is what they want or not, and then we come back and make the final decision. I really hope that Deputy Baudains and those who are wavering, and even those who believe that they already know the answer to the referendum before it is held, will give the people a chance to air their views. That surely is a fundamental principle of democracy. To deny them that is simply... I could not believe that the States could possibly do that after the 7 tortuous years that we have had.

5.1.6 Senator J.L. Perchard:

I am reminded when reading the P.P.C. proposition: "Composition of the States: revised structure and referendum" and indeed Deputy Baudains' amendment of the quote made by Henry Ford when he built his Model-T: "You can have any colour you like but it has got to be black." The prescriptive nature of the P.P.C.'s proposition, and indeed Deputy Baudains', without doubt denies the electorate real choice. While it is fair to say that both proposals offer a referendum, both proposals offer only one option: black. I am of the opinion that the take it or leave it options being proposed are doomed to fail here and now and they should, because I am embarrassed to think that we would consider taking a black-only option to the electorate. However, in the unlikely event that the States would approve the P.P.C. option now I confidently predict further public disillusionment with this process as the public would accurately feel they have been denied any real choice and rightly so. Members will be aware that there has been, and still is, much debate and disagreement out there in the countryside and in here. Super constituencies, Parish representatives, Island-wide mandate, Constables in, Constables out, Senators in, Senators out; so many questions, so many opinions. I offer to Members just one opinion. With complete confidence I offer this opinion, that there will be enormous dissatisfaction with the States if a referendum is tabled that offers only one super-constituency option. We will be accused of being barmy and I really, really want to endorse some words that Senator Norman just said in support of my position, albeit unwittingly: "Give the people the opportunity, give the people a chance, it is a fundamental principle of democracy. Let them decide." I could not agree more with Senator Norman.

The Bailiff:

Before I call the next speaker I wonder if I might acknowledge the presence in the public gallery of Sir Henry Brooke, a retired judge of the English Court of Appeal and now the Executive Vice-President of the Commonwealth Magistrates and Judges Association. Sir Henry addressed the Jersey Judicial Association last evening and is now finding out something about our Parliamentary process. I welcome him.

5.1.7 Deputy G.W.J. de Faye:

I am most grateful for that information and I will now very substantially change my speech. **[Laughter]** It seems, Sir, that I must be going to all the wrong places. The wrong dinner parties; hanging out with the wrong people in public bars and restaurants; talking to the wrong people; because nobody has engaged me with rigorous, interesting, intellectual conversation on the dire problems of our constitutional position. It frankly is a source of bewilderment to me that I keep hearing so many States Members who are apparently being nagged to death on this subject. Indeed I still have yet to hear the battering of clamouring crowds on our doors on this issue. Since the reign of King John, Jersey has had a long and proud constitutional history, which has developed appropriately over the centuries. At one time Jurats sat in this Chamber. Worthy gentlemen - and now ladies - established citizens with strong track records of service to the community who would be elected, effectively, on a non-re-elective basis until retirement I believe now at the age of 75. They no longer sit here. **[Interruption]** 72, well, perhaps they should go a bit longer. They no longer sit here. The legendary Banque des Connétables, a mighty bank upon which many projects

have come to disaster not to say wreckage, have been here since time immemorial. Indeed if you look at them you can see the responsibility of ages resting upon their weary backs. Only recently we have had perhaps the major... I am sorry, I missed out the Reverends; but the Dean is not here so perhaps that does not matter so much. The 12 Parish Reverends of course were replaced, and then we come to most recent one of the most monumental changes in our constitutional history, which was the move to Ministerial government. I think all sensible people might say: "That might just be enough constitutional change for a year or so. Might it not be a good idea to let that bed down before we start rearranging all the deckchairs across the entire deck sweep of the Titanic in case this one does hit an iceberg?" I do think that is a sensible view. I am concerned to hear a number of my colleagues in this Chamber worry about if we get the decision wrong today we may be held in low esteem by the public. Let me assure you that very few members of the public know who we are. Sir, there is very little worry about our level of esteem. There is clearly also though concerns among us about what I believe is described alternatively as either the electoral or the democratic deficit. The worry that because you only had 400 votes that somehow you are not worthy. Well, I have to say to Members that is a mistaken worry based essentially on a misunderstanding of representative democracy. The rules about how States Members are voted in are quite clear and have been for a very long time. Everybody who wants to know what they are knows what they are and those who want to vote go out and vote; and they all get what they deserve, which is this Assembly. But nevertheless that still has left a number of us with this concern over numbers of participants in our elections and I do have to say that electoral reform is substantially different really to constitutional reform and the 2 should not, in essence, be confused. But it has been a feature, and I think an acclaimed overriding principle in what Privileges and Procedures Committee has set out to do which was to increase voter turnout. I have to say that in all the documents that I have had put before me relating to the debate we are undertaking today I have yet to see the linkage between what is being proposed and how this will drive increased voter turnout. There is in fact no linkage at all and I have now... and this will probably be the third or fourth occasion where I will say again to the Privileges and Procedures Committee: if you are concerned about the number of people turning out to vote make it compulsory. If that really is your major worry make it compulsory and fine people who do not turn up on ballot day. It need not be a major fine but fine them. If you want to insist on a big turnout that is undoubtedly one of the options that you have. I personally would not favour it. I am more of a fun sort of guy and I have said and indicated to this Assembly there, of course, is another option; that you could offer some sort of advantage. Perhaps every ballot paper becomes a ticket in a lottery based on, say, £1 per previous vote at the last election or £1 per number of votes the previous winning candidate polled. At least there would be something to go for, something that might interest people other than the normal dull and rigid politics that they are being offered. Sir, there are 2 ways that have been on the table now for consideration on the key question apparently - according to Privileges and Procedures - on how to increase voter turnout. But what have they presented us with instead? An utterly baffling set of strange alternative approaches co-mingling Parishes into what I have already described as a reproduction of the 1960s Jersey telephone exchanges. It really is quite bizarre. It does not even capture the imagination of States Members, let alone the public. So, here we are in a situation where we are trying to achieve one thing, but we are not doing the obvious things to achieve them. Instead we are coming up with some baffling alternatives, based, I might say, on some of the thinnest evidence I have ever come across for a standalone proposition, let alone something as important as constitutional change. Can one think of anything more appropriate? Constitutional changes, let us remind ourselves, are in many cases matters of history; matters of civil war, brother against brother. Here we are going to sort it out with M.O.R.I. polls and assertions. Hardly the right approach. Let us look at one of the issues. How many Members should there be in the States? Well, if this is not something that is being done off the back of a fag packet by a number of Members I have never seen anything really that looked so similar. Where is the report that should have been done to tell us what is the minimum number of States Members we require for a functional government? At what number do we have too few Members to run things

properly, if at all? Presumably it is 10. I hate to think you want to go to one because we might as well just leave it to the Bailiff and I do not think he looks that enthusiastic. Presumably 10 is the minimum number; one Minister or Member or M.S.J. per department but then let us not forget Scrutiny and the Troy rule so we are going to have to double that up and add 10 per cent but that takes us to what, 21 or 22. But I hear figures of 36 or 44 or 48 or 42: based on what? Based on calculations made on the back of a fag packet. Absolutely no fundamental evidence to say that any one of these numbers is an appropriate number of States Members for efficient government. Frankly the evidence on that one subject alone is so laughable that this whole thing should be chucked out. Why refer back? Why move on to other business? Why a vote of no confidence? Let us just get to the end of this and vote it away into the oblivion it deserves. But not before I have finished making a few more critiques. Length of service judged by pie charts: what a miraculous piece of logical analysis that was. Utterly pathetic. If it was first by the post look at the numbers; 3 years would win, that is what we have. But look at your pie chart and it is like: "Ooh, it is a bit fat round here, is it not; and it is 5 years, that got a few votes, 27 per cent; there is 3, well that is 33; 4 years, in the middle" a nice good old familiar States of Jersey compromise scenario: "Look at that, we can keep the maximum number of people happy. Good for votes at the next election." Pathetic analysis. In fact, no analysis whatsoever. How many years should we be in the States? Does anyone have a paper on that? I mean how many years does it take to get your votes behind you, get some support, and get your propositions written up? How long does this all take? How long does it take to get your feet under the table; understand how it works? Should it be 3 years, 4 or 5? Where is the analysis? A M.O.R.I. poll and a pie chart and let us pick the one in the middle? That is what we have been presented with here. Absolutely no basis for serious constitutional change. Moreover there has been a very strong belief among a large number of the voters that you should have some form of apprenticeship. Frankly the amount of stick I have received for trying to run as a Senator and sneaking in through the back door as a Deputy: "Should have done your 3 years first Deputy de Faye, should you not? Then we might have been kinder to you. You did not do your 3 years first." Apprenticeship: is there any analysis of this in this worthy paper we have been presented? It appears to be not even a concept known to any of us although the public seem to be quite keen on it. So number of Members: no real idea. Length of service: pot luck. General elections: well, that is another laugh, is it not? What are general elections exactly? It has become clear to me from some recent emails I have had from one of the few members of the public interested enough to email me on this subject in some detail, taking an interest in constitutional reform, who indicated quite clearly that he and quite a number of his friends believe that general elections are when Senators get elected. Well, I do not think that is what the M.O.R.I. poll intended when it was sent out; do you agree with general elections? So, we have a bit of a statistical analysis problem on our hands here because clearly we know that the major elections in the States are for Deputies. We also know that probably what P.P.C. thought when they put the question in the M.O.R.I. poll that when you said general elections you meant elections like they have in the United Kingdom, all on one day. But now we have another aspect thrown into the pot here which is that there seems to be at least a minority of people - perhaps small, perhaps large - who think that general elections are the Island-wide mandate elections for Senators. So, can we really believe what the M.O.R.I. poll is essentially telling us? I do not think you can. Besides, look at the figures. It was roughly a 70/30 breakdown; 70 per cent in favour of general elections. Well, what is the rough breakdown of people who have been in the Island for 50 or 100 generations and those who have only been in the Island for a generation or 2 whose cultural values come from places where they have general elections? Well, it is about 70 per cent/30 per cent. So, what a surprise if you have a demographic poll run by M.O.R.I. that asks a cross-cultural mix of people where 70 per cent of them come from a culture of political parties and general elections, what type of result - States Members - do you think you might get? Well, not far removed from the one that we did get, 70 per cent appeared to favour general elections. Well, they would, would they not? Because that is part of their cultural history. Is it part of Jersey's cultural history? No, it is not and I for one, and I have said it more than once, I resist the perpetual drip, drip of cultural erosion that

goes on in this Island and it comes from incomers. I will not ask for hands up in this particular Assembly but some of them are notable and key; and notable for their determination to push all our cultural history into oblivion and come in with their new ideas and concepts from their failing second-world countries. Of course the key to this problem are the Deputies. The Deputies... and I want to correct whichever Member thought it should be Deputées. We have nothing to do with French Deputées. They are important. Deputies are exactly what they are meant to be. It is when Wyatt Earp - the Sheriff - gets shot it is over to you, Deputy Bill Hickock. That is what a Deputy is. It is when the Constable cannot make it into the States, Deputy you are standing-in. That is how they came about. Then St. Helier moaned about Deputies and said: "We did not have enough, look how big we are" so 4 more were added on and gradually it became obvious that in order to balance the shifts in population in the Island you had to have more and more Deputies until, like Topsy, the junior department in the States grew into the biggest outfit there is due to continually expanding population. I cannot believe it was ever conceived that the worthy Senators elected from around the Island and the worthy Connétables - the backbone of our constitutional history - would ever find themselves facing a posse of outnumbering Deputies. It cannot have been the original concept but here we are potentially capable of outvoting the other benches any time the Deputies feel like it. So, that is how all the Deputies have got here and what we seem to be doing is setting it in stone now as though it was a great idea when clearly it was not the idea in the first place at all. What is the worst problem? Once we accept that the backbone of the parochial system is, as I have stated, represented by our worthy Connétables the real difficulty with the parochial system and its relationship with the electorate of the Island is that if you do not happen to live in that Parish you have no say-so in who those Deputies are going to be and if you happen to live in a Parish where you have an interest you cannot vote in any of the other 11 parishes for Deputies. That is to me the serious electoral deficit that we need to face up to. That is the failure in Jersey's democracy. The total disenfranchisement of huge swathes of the Island because they simply cannot vote for Deputy or Deputies in other Parishes and that to me is much more important an issue than how many people are turning out to vote, and it is one where many voters have a real problem.

Deputy I.J. Gorst:

Excuse me, Sir, it seems to me that possibly it was some hours ago the Deputy requested that we move to a vote. I wonder if we will be getting there shortly.

Deputy G.W.J. de Faye:

I believe there may be many others who would wish to speak other than myself, Deputy Gorst, although I will be happy to move to a vote in due course. I have put this particular issue to this Assembly and put it to Privileges and Procedures Committee and I have not come up with one single response to the problem, let alone a satisfactory solution of how we can continue in a small Island as we are to disenfranchise people in every single Parish in this way. You just need to do the mathematics. In every 3 years if you happen to live in the Parish of St. Ouen you can vote for your Connétable, your Deputy and 6 Senators. So, out of 53 States Members all the parishioners of St. Ouen merely have influence over 8, and here we are worrying about voter turnout. Even in the electoral district which has the most Deputies, which is my own, the 4 Deputies of No. 4, all you can do is add to that number of 8 by 3, which means that voters in St. Helier No. 3 have a choice of 11 candidates to the States - the relevant representative Members in the States out of 53. How can that disenfranchisement be possibly right? Here we are not even addressing seriously that issue. I think that is one of the areas where this entire process, in my eyes, is a failure. Not only has there been, frankly, a gross lack of serious analytical information provided on all the subjects that I have covered but we have failed to address one of the key issues in this Island, which is just the effective way that parochial system disenfranchises the majority of the Island's voters. Let me say one thing finally, Deputy Gorst, on the subject of referendum. Referendums were never really designed to befuddle the voter, which is apparently what we are about to set out to do. If we are to put any question to an Island referendum, I really do suggest that the first one ought to be: do you wish to

maintain the *status quo* of our current electoral system or do you want change? Because we have not got past the first post, let alone explore the issue of what the change should be. I have to say, on all those grounds, if there remains one Member in this Assembly who thinks they could possibly support the proposals that are being put before us, I personally will be bewildered.

5.1.8 Deputy G.P. Southern:

How refreshing to hear Deputy de Faye again. I would gladly pay £25/£30/£40 to hear him after dinner. You may have noticed we have not had dinner yet and I have not paid my £40. Nonetheless, good value. I am afraid we appear to be in one of the options that Deputy Baudains warned us against when he was proposing his amendment today, of what not to get into: and here is another idea and why is it not this and why is it not that and why is it not a 3-legged horse? Because we have just started down that route. Members, please, can we keep this as concise as possible? I agree wholeheartedly with Deputy de Faye. This proposition before us is a horse designed by a Committee. It is a camel. It is a camel with 3 legs. It is like the Booker Prize. Have you noticed the Booker Prize never goes to the best novel because there is a Committee who decides? What you get is not anybody's favourite but everybody's second choice. Well, this happens to be about my... of all the options I have seen - and we have seen a few - this happens to be, I think, about - and I counted them very carefully - my sixteenth choice. Having said that, I will vote for it, because, camel or not, 3-legged camel or not, it is the option on offer. I will vote for it. I encourage Members to also vote for it.

5.1.9 Senator M.E. Vibert:

Deputy de Faye's speech is still fresh in my mind. I agree with the previous speaker. It was more an after-dinner speech than one worthy of this Chamber, I felt. In fact, can I say I wish to disassociate myself completely from the area, when - as far as I was concerned - Deputy de Faye went very close to discrimination? I do not believe we should discriminate on the length of time various families have been in the Island or not. But Deputy de Faye, one of the points he did make was that he said: "No one is interested in constitutional change." Well, I wish States Members would have told P.P.C. that 18 months ago then, when they insisted, by a large majority, that P.P.C. got on and looked at this change. I wish I could believe that no one was interested in constitutional change when I look at the turnouts in elections. Deputy de Faye might be happy with a 32 per cent turnout in the last Deputy elections, which he was successful in. I am not. I do not believe we should be making voting compulsory. What I want and what this proposition is designed to do is to get people interested enough that they want to vote, that more will vote because what we are proposing represents more of the States they want. Not what we want, but what the public wants. Sir, P.P.C. were charged to do this and P.P.C. went over a whole host of work. I am sorry, Deputy de Faye made clear in saying that we had not answered a number of questions. He has not gone over the back catalogue of all the work on constitutional change. I am a bit of a glutton for punishment, Sir, because I was Chairman/President of the Special Committee set up some time ago; it looked at this issue and we were badly treated by the then States because we did as we were told - we produced a proposition and getting to near election time the States of the day refused to even debate it. But we did a lot of work then. A lot of work has been done now. This P.P.C. reviewed the work that had already been done. It commissioned 2 M.O.R.I. polls; it sent out leaflets to all households; it held public meetings; we held an in committee debate; and of course we had the debate on Senator Shenton's proposition. A lot of information. From all that, the Committee - P.P.C. - agreed that there is a need for reform. What did the public tell us and what was all the evidence pointing to? That the public wanted a single general election day. That the public wanted the Parish Constables to remain in the States. That the public were very keen on some form of maintaining an Island-wide mandate; that there were too many Members in the States; and they wanted a term of office not less than 3 years and really not more than 5 - the majority. So we had those things to work on. What we have come up with is a proposal that is trying to meet as many of those public wishes, as evidenced through all the information that was provided to us, as possible.

Now, Deputy de Faye and others - I am sorry, he has just left the Chamber; I sat through all of his speech - Deputy de Faye and others have been very critical and tried to pick holes in it without offering anything constructive in its place. I would just like to remind Members as to why P.P.C. believes that what we are proposing is an improvement, otherwise there was no point in doing it. With having 12 Constables and then 6 large constituencies electing - or electoral districts electing - 6 Deputies each or 6 States' Members each, what would it achieve while each elector would continue to vote for a large number of representatives? Unlike the amendment of Deputy Baudains - which was rejected, which would have given very few representatives for people to vote for - everybody will be able to vote for a Constable and 6 Members of the States. Perhaps one of the strongest arguments and most democratic argument in favour of what we are proposing is, not only would each elector vote for the same number of candidates but each elector's vote would carry roughly the same weight, unlike now where there is an incredible discrepancy in the value of votes between electors, depending where they live. Those Members elected would be elected on very similar mandates. We have accepted that Constables with a Parish link are very important but all other States Members will be elected on a very similar mandate, unlike now, where, as I pointed out earlier, there are the 12 Senators who are elected on 8,000 votes and above, with most of the Deputies being elected on under 1,000 votes. Under our system it would be much fairer. One of the advantages, I believe, and it is what the public again displayed, they wanted elections and States Members - not Constables but particularly other States' Members - to focus on Island-wide issues. I believe that electing people in these large electoral districts will enable States Members and will enable the elections to focus on Island-wide issues. Senator Norman asked: "Is it better than we have now?" Well, I just believe I have outlined why it is better than we have now because our present organisation leaves a lot to be desired. If we were designing an electoral system from scratch we certainly would not come up with what we have got now: 29 Deputies elected in great variance of the size of the electorate, from St. Mary to Grouville, with a preponderance of multi-Member constituencies in the town and then some single-Member constituencies in the country. So is it better than we have now? I believe it is but, more importantly, I believe the public should be given the opportunity to say whether they believe it is or not. Senator Perchard is concerned that we are only offering one option, a Model-T in black. I would just like to remind Senator Perchard that the Model-T was one of the best selling cars of all time and it was better than the only other alternative that was available then. So what we are asking the public, and would like to ask the public, is do they believe the model we are offering is better than the model we have now. Sir, I believe the public are disillusioned with the States, as evinced by the very poor turnout in some of our elections. Just think how much more they will be disillusioned with the States if States Members reject this proposition and deny them the right to express their view on reform in a referendum. I would urge Members to allow the public to have their say. If Members do not like this proposition and this form that we are putting forward, and believe they know the view of the public, then they have got nothing to fear because the public will vote against. But, I say, please allow the public for once at least to have their say on reform rather than rejecting this outright and saying: "We know better." Please do not do that.

5.1.10 Deputy C.H. Egré of St. Peter:

I came back to the Island, Sir, some 11 years ago when we were pushing-out the initial reforms. I am somewhat surprised by the last speaker when he refers to: "Let the public have their say." Because I recollect that when we were talking about the *Clothier Report* there were Parish Hall meetings in every single Parish Hall on this Island and I believe the representation was averaging about 80 people per Parish Hall, 12 8s are 96. That is 960 people possibly representing a fair amount of public opinion; more, I would say, than some of the M.O.R.I. polls that we have put out to date. It would appear at that time that consensus was against the sort of reforms that we have already taken. We have carried out the most major reform, that has been referred to by Deputy de Faye, since the late 1940s. We have moved to a Ministerial government. I mean, I was on P.P.C. so I am aware of some of the debate that went on within P.P.C. The consensus in P.P.C. was not

there. The consensus in this House has been proved time and time and time again not to be there. The consensus in the general public with regard to this appears not to be there. The consensus in the M.O.R.I. polls has not been truly definitive. I have not had a great number of people... in fact, I have had nobody come rushing to me searching for this major reform that we need to have now. I have recently - over the last 2 months - had 5 people come to me suggesting that if we are to reform anything that I should be putting forward a proposition to the States to go back to the old Committee system. Now, I am not advising that. But I would advise people to vote against this current proposition.

5.1.11 Senator F.E. Cohen:

Many Members have referred to the last significant round of constitutional change in the post-war period and I have read this before but I will read it again. It is a report by British military intelligence dated August 1945: "The Colonel is aware of the rather active political rumblings which are making themselves felt in the Channel Islands and the Director of Public Prosecutions is in touch with the Home Secretary on the question of possible action for the reformation of the Island's constitution. We all feel that something will certainly have to be done as otherwise serious trouble may develop. So strong is this feeling that the Force Commander told me the other day that he is afraid armed disturbances may take place when he withdraws his forces." That, Sir, was the environment that led to the significant constitutional changes in the post-war period. We are not in such an environment of public unrest. We have a system that has developed over many centuries. Some changes have been made but, as I have said, they usually came out when they were significant, as a result of periods of significant unrest. We have a good balance. We have enough Members with an Island mandate and enough Members with parochial mandates to enable the electorate to have direct access and their views understood and promoted. As Planning Minister, I can assure you that the present system works well as far as Deputies representing their parishioners in planning matters. If we want to improve voter turnout, that is a separate matter. We need to make it easier to vote. We need to look at mechanisms to improve access to voting, such as online voting, which has been implemented in other jurisdictions and is being examined by many others. We need to look at promoting public access to manifestos and ensure that manifestos are generally distributed. We have made much more progress in terms of improving interest in politics and interest in the matters that we debate by lowering the age of voting to 16, than we will by tinkering with the distribution within this House. My experiences have shown, when I have attended local schools, that the 16 year-olds have a very comprehensive knowledge of many of the matters that we debate on a regular basis. My view is that we should leave well alone and concentrate on mechanisms to improve voter turnout, as I have outlined a moment ago and I will therefore be voting against.

5.1.12 Senator F.H. Walker:

As other speakers have alluded to, this is basically the Last Chance Saloon. Sir, the States have rejected... sorry, Sir, there seems to be a certain amount of focus on the Public Accounts Committee at the moment. **[Laughter]** It is good to see they are on the ball and alert. Sir, as I started by saying, this is the Last Chance Saloon. The States have rejected every other reform option put to us, every single one and this is it. As the Deputy of St. Mary so eloquently said in what I thought was a quite excellent... or 2 excellent speeches, it is now either this or we give up and it is the *status quo* and we say to the public: "We cannot manage reform, we cannot cope with reform. Sorry, we are going to stick - and you are going to have to stick, whether you want to or not - with the *status quo*." Sir, many Members - or a number of Members - have commented on the results of the M.O.R.I. poll but the facts are that the M.O.R.I. polls show very clearly that the vast majority of Islanders are in favour of reform. There are all sorts of different aspects of reform that various people who voted came to but they are in favour in reform. They are very much... in fact, 71 per cent of them are in favour of a general election, and 66 per cent - two-thirds - are in favour of reducing the number of Members of the States. Now, if we do not go with this option we are

denying the public those alternatives. We will not have a general election; we will not reduce the number of Members in the States. Those are the 2 things that those who were polled in M.O.R.I. focussed on primarily. P.P.C. has quite rightly concluded that all the other conflicting options put forward in the M.O.R.I. poll are not deliverable; that a system with 3 categories of elected representatives simply cannot work. You cannot have a general election; you cannot achieve the reforms necessary. I could not agree with them more. But the major elements of M.O.R.I., i.e. a general election and a reduction of numbers of Members of the States, are deliverable if - and only if - now we adopt the proposition before us today. Sir, the Deputy of St. Peter referred to the round of meetings that was held on the back of the original Clothier proposals in the Parish Halls. He is quite right. But I was at many of those meetings. I was then a member of Policy and Resources and that focussed, not exclusively, of course, but very largely on the proposal to remove the Constables from the States, which, of course is now, thank goodness, not an option before us. That has been very firmly put to bed. So I would like to congratulate P.P.C. on what I think is a well-argued and well-presented report and proposition. They have reviewed the alternative options. They very openly, I think, and transparently and fully put forward the pluses and minuses of each of the options and I think they have come to the right conclusion. In response to my great, and no doubt learned friend the Planning Minister, I would say, Sir, surely we do not have to wait; surely we do not want to wait for social unrest before we adopt reform. Surely we are capable of taking a lead before... I do not believe there is any risk of that happening - but surely this Assembly would not want to put itself in a position where it is only prepared to embrace reform if there is social unrest. Sir, I accept the fears about the parochial system are sincerely, genuinely and deeply held. I could not support any proposal which I thought was going to dilute that, weaken that, undermine it or whatever because I am a great believer in and supporter of the Parish system. But I do not believe this proposal... and I very much take the line taken by 2 country Deputies - the Deputy of St. Mary and the Deputy of St. John in particular - that it will not undermine the parochial system. In many ways it will support it and hopefully strengthen it. Again I agree with the Deputy of St. Mary that the retention of the Constables and the role of the Constables is the key point in this respect. As I have already said, thank goodness we have now - I hope, finally and for ever or for the foreseeable future, certainly - put to bed any suggestion that they should be removed from the States. I believe that elections in the Parishes would be revitalised as a result of this proposal and on the back of it. We would certainly see the end, I think, of non-contested elections and surely that has to be a very welcome development in terms of the strength of our democracy. As the proposition says, parishioners would now have the opportunity of electing 7 direct representatives of their district, their electoral district. That, too, gives them more influence, more direct involvement and, I would suggest, more interest in the election process and in the political process generally. Guernsey was mentioned by Deputy Huet earlier this morning on the back of a comment made to her last night by someone from Guernsey. But I would refer the House to the fact that when Guernsey introduced the super-constituency option, they had - I cannot remember the figure - they had a quite enormous turnout at their last election; a turnout, frankly, which should make us green with envy. It was 64 per cent, something like double the turnout that we have had in recent years. It should make us green with envy. It was a considerable increase on previous turnouts that they had had in Guernsey because electors felt focussed, felt involved and felt interested. I believe we can. I see no reason whatsoever why we cannot achieve the same result here in Jersey. Sir, as other Members have said, the safeguard is the referendum. At the end of the day all this proposition asks us to do is give the public a choice. Give them the right to choose. It forces nothing on them whatsoever. They will have the ultimate decision: do they want this reform or do they want to retain the *status quo*? A clear-cut choice, as all referenda should be. That is why I could not support Senator Perchard's proposition because referenda just do not work on multiple choices. Referenda only work if you have a yes or a no. This is what we are putting to the public. This is all we are putting to the public: "Do you want this type of reform or do you prefer that we stay as we are?" Now, why should we be fearful of that? Because the public will decide. At the end of the day, that is exactly where we should be. But if we do not give them the choice we are

imposing the *status quo* on them. We are not giving them the right to express their view. We are imposing, by default, the *status quo* on the public. If we do that there will be no general election, there will be no reform, there will be no reduction in the number of Members of the States; exactly contrary to the views already expressed by significant numbers of the public. So, Sir, I say again, this is our last chance to give the public a choice. We either say to them: "We believe you should have a choice" by adopting this proposition or we say to them: "No, sorry, we are not going to give you the choice" by rejecting this proposition. I very much know where my vote is going to go when we get to the appel.

5.1.13 Deputy J.A.N. Le Fondré:

Just before I speak I think I would like to give 30 minutes' notice to bring a closure motion, assuming we are in time. In my view, Sir, to use the analogy, this Model-T we are being offered is worse than the *status quo*, I am afraid. A number of Members have made the very good point about electoral reform from constitutional reform. I think the other point that has been made already, in fact, was made earlier this morning, that Guernsey may have had a very good turnout but it has apparently damaged the Parish system. I am not going to therefore support this proposition. In my view I do think it will damage the Parish system. I think it will damage - in fact, I used the word shatter - the Parish and community spirit of the Island and I think I disagree with those people who think it will not. I do urge Members to reject the proposition.

5.1.14 Senator P.F. Routier:

Well, P.P.C. have been given a mission impossible. They really have. I believe that what they have done, they have carried out the job we have instructed them to do. They have come forward with what they believe is a workable option, which they believe should be given to the public to decide upon. I think they deserve our congratulations because they have done the job and I think we must thank them for that. My vote in the referendum which will follow may be different to a vote about whether I support this or not. But that will be a decision I will make at that time which is when the public would have that choice as well. I think by going to a referendum on this option is the appropriate thing to do because it will, for once and for all, give the public the choice of making a decision about how this Assembly is made up. I do not understand what Members are afraid of in supporting this proposition. There is nothing to be afraid of. It is the public who will make the decision for you. It is not a decision that you are going to have to... Members are not going to have to be worried about it. Eventually the decision - the actual change - would have to be ratified by ourselves. I recognise that but Members, I believe, would be foolish to ignore what the public were saying to us. I would urge Members to support this proposition and then let the public have the choice.

5.1.15 Senator S. Syvret:

I think we ought to just get a couple of facts straight, first of all. Senator Walker and one or 2 others have made similar points about we would be imposing our view on the public if we did not vote for the proposition today - or something similar to it - but a moment's thought can see that that just is not the case. We are, after all, a democratic society and we make 1,001 decisions about this, that or the other law or policy which have an effect on the community and the public has a say. They have that say at the ballot box at election time. If they do not like the laws and policies we have introduced, they would kick us out and this is the case as far as governmental reform is concerned, as far as the make up of this Assembly is concerned. Were there, in fact, as some Members claim, this mass clamour for reform of the composition of this Assembly then this would be the big issue at election time and unless Members - candidates - promised absolutely to carry it out they would not get in. Has that happened? No, it has not. Not in the least. Senator Walker referred to Guernsey and the increase in voter turnout in Guernsey. Well, it is true it has gone up a little bit but from what I hear there are growing concerns about their system in Guernsey. The lack of an Island-wide mandate and the fact that they have people in very senior positions effectively

leading the community who are not accountable to most of the Island. There are growing problems there but remember the voter turnout in Guernsey has always traditionally been significantly higher than Jersey's. It has been. Senator Vibert said this kind of proposal would bring more people out to vote if we reformed the make up of the Assembly. Well, would it? Will it? Does adopting a kind of U.K.-style general election involve the embracing of some kind of marvellous successful thriving political system? I do not think it does. When you look at the United Kingdom, you have falling voter turnouts and growing disillusion with politics and politicians so I do not think there is any magic solution there. Senator Walker said: "Do we end up with civil unrest?" Senator Walker said: "When do we end up embracing reform?" Do we only do it when we have got civil unrest on the streets?

Senator F.H. Walker:

I am sure the Senator will allow me just to say this. I do not know if he was in the House when Senator Cohen made his speech. My comment was merely basically rebutting that suggestion by Senator Cohen.

Senator S. Syvret:

I stand corrected on that point but there will not be civil unrest regardless who might think that because of this question. There might be civil unrest on the streets in 10 years' time when there is Goods and Service Tax at 15 per cent on basic foodstuffs. That will be the kind of thing that you will get civil unrest on the streets about. But let us be clear about it. Senator Norman said: "Let us give the public a referendum." Yes, absolutely. If we are going to embrace any kind of major reform to the constitution of this Assembly indeed it should be put to a referendum. I do not have any difficulty with that at all and I would strongly support the principle but we have to ask ourselves have we alighted on the right set of proposals here? Is it the right time given that we are merely 18 months into the major constitutional change of Ministerial government? Is there any particular burning need or merit for more major change right at this particular moment? I do not think there is. It has simply become something of a rather navel-gazing obsession for those of us involved in politics. Deputy Baudains said that I had said that this issue was not especially important and it is not unless you are kind of very inward looking in the world of politics. What is important to people is the strength of the economy, the rate of inflation, the availability of quality housing, taxation, States spending, population levels and protection of the Island's environment. These are the issues that are really important for the average person in Jersey. The stuff we are debating at this particular moment, frankly, is largely completely irrelevant as far as the average person out there in the community is concerned. I certainly will not be voting in favour of this proposition. One of the things that the public said they wanted, and suddenly we hear people being very selective about what the public wanted, was the retention of the Island-wide mandate. What is before us today does not give us that. What we have before us today does effectively begin the process of destroying the linkage between the Parishes and this Assembly; the democratic representation in this Assembly. The Constables will still be there but the Deputies, well, will start to drift away from the Parish roots and I cannot support that. I do not believe that is acceptable. When you consider what the likely path of evolution is, from these kinds of changes, if you were to get rid of the Island-wide mandate, I think there are certain things - at least 2 things - that would inevitably flow from that. It might take 10 years to happen - 15, 20 years perhaps - but I can guarantee you 2 things will flow from the removal of the Island-wide mandate. First of all, the position of Connétables in the States will become less and less tenable; less and less credible. For the reasons I have already mentioned once today, the Constable of St. Mary with his constituency, Constable of St. Helier with his constituency: a huge difference between the 2. Total unrepresentative misrepresentation. How can that be credible? We would maintain that kind of misrepresentation, that kind of disbalance of voting power in this Assembly in relation to the numbers of people living in the community. Unless you keep the Island-wide mandate, the position of Constable in the States will become less and less tenable. Mark my words, it will happen. The

other thing that will happen will be the evolution of political parties. Again, I do not say it would be overnight and I certainly do not believe it would be via the J.D.A. replete with their telephone box for their meetings but I do believe that once you have lost the ability of the community as a whole to express a collective opinion across the whole Island, you are on the pathway to political parties. Now, I do not personally have a great problem with that. I can quite see that political parties could be a good way of giving real power finally to the ordinary people in the Island but a lot of people do not like parties so I just think Members ought to think about that. It would not be overnight but once you have got rid of the Island-wide mandate, you would be on that path. So, I just think it is worth thinking about. To finish, on the overall position of governmental reform - of reform of the composition of this Assembly - as I have said before, my view has always been that there are just 2 realistic things we could do. One would be, keep the same kind of categories of Members, maybe a little tweaking and move to a general election date. I was surprised at the rejection of the proposition brought by Senator Shenton. Had I been in the Assembly at the time, I would have voted for Senator Shenton's proposition with a couple of the P.P.C. amendments. If you want realistic, reasonable, do-able political reform that was your chance. That was your chance and you rejected it. You blew it. What we have got before us today is an absolute pig's ear with all kinds of unforeseen consequences that will flow from it and it must be rejected on that basis. I said there were 2 choices. It seems to me that there is either the refinement and improvement of the system - embodied in the kind of proposals brought forward by Senator Shenton with a couple of amendments - or there is the blank slate approach. Blank piece of paper that you say: "Right we are in the 21st century. We want a truly modern, up-to-date democratic system." In that case, you sweep everything away. You have one category of Member, you have a general election date every 4 years and you have an election commission that sets the boundaries of the electoral districts according to their population densities, as happens in most respectable democracies. How could it be otherwise? How could we possibly carry on having a system whereby you have people in a sparsely-populated Parish having as much influence in the Assembly as a vastly greater number of people? So, those, as far as I can see, were the only 2 realistic options. The evolution, the refinements that were proposed by Senator Shenton; or the completely blank slate approach which I have just described. What is not credible - in fact what is the least credible possible proposal - would be to keep the Constables in the States when many represent very small districts and many of them never even face an election. Keep the Constables in the States and get rid of the Island-wide mandate. Get rid of the Senators who are answerable to the whole Island. It would be an absurdity.

The Bailiff:

May I call a point of order? Although he is not, at present, in the Chamber, I draw attention to the fact that the Member who wished to give notice of moving a closure motion must not have spoken in the debate and, unfortunately, in giving notice Deputy Le Fondré did subsequently speak and, therefore, I cannot accept that it is open to him to move a closure motion. So, should any other Member wish to move a closure motion he or she should do so without speaking, giving notice but without speaking.

5.1.16 Senator T.A. Le Sueur:

I share the views of the last speaker that we have spent too long, too much time discussing this matter rather than some of the key issues which we, as the States, should be discussing. Thereafter however, I part company with him because I think although we have had many more discussions than we need, maybe we have considered more options than we should have needed to. We have considered those options. We have rejected all of them to date and we are now, today, down to a single choice. Do we want reform or do we want to maintain the *status quo*? The reform may not be to everyone's cup of tea. It may not be the perfect solution. It may be, as Deputy Southern says, the 3-legged camel but it is the only option left on the table so do we want reform or do we want the *status quo*? I move on from that question to say it is not just what do we want but what do the

voters want? Because I agree with Deputy de Faye that this is an important issue, I think that this proposition is very well-worded because this is an important decision and the proposition does not just leave it for this House to decide. Firstly, the House has to decide that it finds it an acceptable option and secondly, the population in a referendum have to decide that they consider it an acceptable option and only if both of those 2 are achieved, does the proposal have a chance of going any further. So, we do, in fact, have the sort of checks and balances that I think might be implied in Deputy Le Fondré's comments or Deputy De Faye's comments and at the same time the decision ultimately remains one for us to take as the democratically elected Assembly. So, I think the proposition is well-worded. It gives to me the only realistic way forward and on that basis, Sir, I will support this proposition.

5.1.17 The Deputy of St. John:

When I first considered this issue as a relatively newly elected Member I have to say that I believed that any major change, after having just had some pretty major change with Ministerial government, was perhaps a bad idea. I also felt that any change should not necessarily be done by us as I think we have proved in many debates already about this subject it is difficult to do from inside and an independent commission is something which I called for recently. However, that was until P.75 hit my desk and I have to say it is the first proposal I have seen that has any legs and should be scrutinised further and considered fully by the public. So, it certainly gets my full support. It will at least meet the public expectations of those that participate in the M.O.R.I. poll. However whether it is of interest to anybody else apart from the media and us, I have my doubts and that does concern me. I would not have supported this proposal if Deputy Baudains' amendment had gone through though because it achieved an awful lot less if that was the case. It would have minimised the concept of more elections in the rural Parishes with standing Deputies. We already have some uncontested elections for Constables. Those, too, I think will become fewer with the new suggested date of elections for Constables. I have to also reiterate the words of the Chief Minister about the complexity of referendums and I know that is a debate to be had yet but the proposal by Senator Perchard is far too complicated. If you are going to have a referendum, as I indeed hope we will from this proposal, it needs to be simple. It needs to be a yes/no question. Market research such as the M.O.R.I. poll, if it is complicated you get some rather odd results and a disinterested public and what we do need is a very good turnout for the referendum that I do hope that we will have. I have concerns about that referendum though without the amendment that Deputy Le Fondré wanted to put through because I do not believe necessarily that people will turn out in great numbers. The ones that will turn out will be the lobbyists, the special interest groups and so on, not the population at large and I worry about that and I am very disappointed that Deputy Le Fondré's amendment did not go through. However, on balance, this is by far the best proposal I have seen to date. It even comes close to what I thought was pretty good, the Clothier review. I think the public should have the opportunity to review it by way of referendum and then we can move on. If we do not pass this one today, the public are going to look at us as being incapable of making a decision about this and if that is the case, we then really need to get some independent people in to look at this because we simply have proved incapable of doing it ourselves. I would suggest Members vote for this proposition. Thank you, Sir.

Connétable D.J. Murphy of Grouville:

May I give 30 minutes notice for a closure notice, Sir?

The Bailiff:

Yes, you may. Constable of St. Peter.

5.1.18 Connétable T.J. du Feu of St. Peter:

The executive summary accompanying the proposition on (3)(iv) is quite interesting reading as it states the Island-wide mandate for some Members is important, although there is considerable

support for Parish representation. Now that I believe really gives a very clear message from the feeling behind this actual comment because if you look at it alongside (a)(ii) - where it states 36 other Members to be known as Deputies, elected in 6 new large electoral districts - there is clearly a conflict of those 2 comments; one within the proposition and one within the summary. I believe that the core difficulty that we have is contained within that because clearly they are demonstrating or almost partly acknowledging the Parish support or Parish representation by saying there is considerable support and yet it appears strange to me that the Island-wide mandate for some Members is important. I believe it is one that is outweighed and the considerable support for Parish representation is very clearly outweighed. The shame of this proposition is really that in its wisdom, when the Committee decided to put it together, that it included possibly the words "new large electoral districts", because had they perhaps not included that, it would have stood a far better chance to sit comfortably along with the rest of it, Sir.

5.1.19 Deputy P.N. Troy of St. Brelade:

I hope when we come to the closure motion that Members will not proceed with that. I think when we are discussing major constitutional change I think the closure motion is inappropriate. But why are we debating this today? Why? Because we have got an existing system which is disjointed. We have got 3 types of Member. We have got different electoral periods; 3 years and 6 years. We have got a system where one can stand as a Senator and a month later then stand as a Deputy, if you did not happen to get in as a Senator. We have got Constables each on 3-year electoral cycles but not elected on the same day and thankfully that is going to be, hopefully, changed today. We have uncontested elections in some Parishes and we have got too many Members. Now, when you look at a whole list of things like that - when you are looking at our existing system - then you start to say: "Can we improve on that?" Yes, absolutely we can and here in P.P.C.'s proposals we have something valid that can be put to the people of Jersey in a referendum and the public have an expectation of change. We have been through this process. Sometimes it seems we have been through this debate half a dozen times but I think we are getting there. We are moving towards achieving something, I think, and if we can get to putting this out to a referendum, we will have achieved something even if, at the end of the day, we then come back later on and say that we are going to stick with the system - that existing system which I have just described - which is so disjointed that it should really be updated. I think what we will have with the system proposed by P.P.C. is something that will regenerate the electoral process, that will enthuse the people of the Island in participating in elections and so I do hope today that everybody supports Privileges and Procedures in its proposals.

5.1.20 Deputy J.A. Martin:

I did put my light on after you said the next person to stand up who has not spoken please say they are going to bring the guillotine motion but I now will speak because I did not really want to add much to what Senator Le Sueur said. We accept that reading just the proposition as it stands, we have been given a set of proposals by P.P.C. People who did not get the amendment they wanted from Deputy Baudains to keep it to across the Parishes probably will not vote for this. People who did not get the vote for Deputy Le Fondré are going to be unhappy with this and people seem to think that this is the foregone conclusion and basically all it is saying - and I do not know, Senator Syvret, Deputy de Faye - everyone says there are no people clamouring on their door, but if anyone does engage with me in talk of the political change, it is: "Well, you do not vote. Well what is the point you can never get... it is always the same people. Never a general election." But that is not what I am discussing. What I am giving the people - and I think this is all that this paper is asking - is an option; and if there are so many mixed options - because we have heard the people who have started discussion on what option they would prefer and what has not been done - all the people have to do is say no because that is not the option they want. Now, I think that is fair. I think that it is 7 years since *Clothier*, 18 months since Ministerial was taken in, but 4 or 5 years since we agreed to have Ministerial government and not once have we asked the people. It will be a yes/no

and that it is what a referendum should be. If they vote yes, it will be this but if that is not what the people want, Sir, they will vote no and I think it is now time to put it to the people and then we will find out and it will be the majority. It clearly says: if the majority do not accept it will not go through. So, they will keep the *status quo*. So, I do not know what everybody is frightened of. Let the people decide and the only way to do it is to support this and get on within the next year or 2 and have a referendum because there will be another general election before the referendum and you or whoever we are, Sir, when people ask: "Why, nobody has ever asked me what I wanted"... You do not vote this. You are not voting for the particular set in the proposition. You are asking people if that is what they want. If they do not want change, they will vote against it so I will certainly support this and hopefully this will be the last debate we have on electoral reform. Thank you.

5.1.21 Deputy R.G. Le Hérisier:

Various returns to alter the votes are occurring. What I was amazed by - rather like Deputy Martin, Sir - was Senator Syvret's view that this is irrelevant and unimportant because although people are not in the pubs and nightclubs and supermarkets of the Island talking about constitutional reform... and I notice despite his caveat, Deputy de Faye used the term interchangeably with electoral reform. Even though they are not talking about that, they are, of course, as Deputy Martin said, talking about the inability to influence this legislature and that is what it is about. It is the point I made a few weeks ago that there is a disconnection between the way people vote and the impact they have on our voting behaviour and I do not mean in terms of us being delegates. I mean in terms of clear expressions of opinion having an impact upon the legislature. They do not, those expressions of opinion... and people are more and more disconnected from this legislature but because we have a large apathetic and, to an extent, contented party on the Island this discontent is not contrary to what Senator Cohen was saying or it is not translated into electoral pressure at the moment. What you do have is a growing group of alienated people who feel they are not able to influence Island policy. They feel, yes, they are thrown in terms of trickle-down economics. They are thrown down some of the benefits of Island's wealth and not only people who are what you might call the traditionally discontented but people who feel that there are not proper discussions taking place about the environment; about the role of planning; about the role of development and so forth. That is the discontent and while it has not bubbled-over and, as I said, it is kept in check by the fact that there is a larger apathetic party in existence, that is what people are saying and I think Senator Syvret, Sir, has totally missed the point in terms of seeing the reform debate as irrelevant because it is not irrelevant if you put it in that particular context. I think it is quite surprising we have come back to the proposal - admittedly without the Constables issue - and of course that was perhaps the crunch issue. We have come back to the proposal that was heartedly rejected except for Deputy Troy and myself, as I recall, well over 2 years ago and it is quite ironical it has taken us 18 or 19 months in this new House to get back to that proposal and I suppose that the strength of that proposal is that it is a compromise and particularly as it has now been framed, it is a compromise between retaining the Parish link by retaining the Constables but yet coming up with a workable form of the all-Island office, because that is what it is about. It is meant to be a workable form but, of course, its weakness is it detaches itself from the Parishes and because there is this - as has been expressed by several of our colleagues - enormous visceral emotional attachment, anything that detaches itself from the Parishes is seen as undermining the system and that is very, very unfortunate as the Deputy from Grouville will, no doubt, remind me. That is very unfortunate, Sir. It is a compromise. It does not have the emotional impact of a Parish although it is Parish-based. It does not clearly come across as Parish-based as some of our colleagues have indicated but I can see, Sir, at the moment if I was looking at pragmatic politics, it would have to be the way forward. It is going to divide the Island entirely on those who feel that it may be an attack on the Parish system and those who feel it is an excellent compromise by keeping the Constables retaining the Parish links but raising the game of politics in the Island. I am, Sir, totally tired, as are other people, of discussing structural and institutional reform because in a way, when we do discuss these

issues, we should be discussing how could we get people more interested in politics. That is ultimately what it is about and they are totally bored with the way or the suggested ways of getting there but somehow that is what we are looking at. I am very sad to hear people - as I said, like Senator Syvret - claiming this debate as being irrelevant. I think quite the opposite. It is not, but I do hope at least, like Deputy Martin, it is put to the electorate. They do have a choice and at long, long last we can put them in the driving seat and see whether we have made the right decision. Although I have to say in agreeing, in a sense, with Senator Cohen, I do believe, Sir, that a lot of real politic change is ultimately driven by discontent. Not civil disorder which is perhaps what he was talking about but it is driven by discontent and that is what drives change and maybe, rightly or wrongly, we have not reached that stage of discontent. We have not got a lot of discontented people. We have got an increasing group of alienated people but we have not got enough yet to tip over the system. Thank you.

5.1.22 Deputy S. Power of St. Brelade:

Paragraph (c) says: "To agree that the reform proposals set out in paragraphs (a) and (b) above should be submitted to the electorate in a referendum to be held as soon as practicable and that they should not be pursued unless supported by a majority of those voting in the referendum." That is what it says. It is not our call: it is the public's call. Today I have heard some suffocating subjectivity and selfishness and it is one of those days when I am ashamed to be a States Member. If we could bottle the negative energy in this Chamber this afternoon, I am sure we could drive La Collette with it. I have heard scaremongering; I have heard threats about political parties taking over the system in 5 to 10 years; that the Parishes will be irreparably damaged. I have heard a reference to civil unrest in 1946. I have heard Deputy de Faye's barnstorming speech which irritated me where he drove a division between them and us; and the them and us being those who were born here and those who are not born here. There are 12 or 13 people in this Chamber who were not born here and I think I am as loyal to this Chamber and to this Island and to this Assembly as anyone who was born here. I would be the last person in this Chamber to damage the Parish system or my Parish for that matter. I would be the last person to do it. I do not think that the Parish system can be damaged by this proposition. Senator Vibert quoted a statistic today that said that, I think, 14 or 15 of us in this Chamber right now were uncontested. Not their fault. That is a system that has to be changed. We have heard from Senator Walker and I know myself - I have got political colleagues in Guernsey - that the Guernsey vote went up when they changed their system. They have a Deputy-only system which is different to ours but the voting participation went up. The role of the Constable in this Assembly is enshrined as it has been in Island history. It is enshrined in the present and it is enshrined in the future. I am happy with that. I believe that my relationship with my Parish Hall is strong and secure and I believe that if I have to be shared, I am happy with that. Sir, I will be voting for this proposition.

5.1.23 The Connétable of St. Helier:

The Constables, as Members will know, have got a safety net because when we discussed this matter we feared that nothing would happen as before and we thought surely some reform should be proposed and as far as we could we thought: "Well, a general election for Constables is better than nothing." But I honestly hope we will not get to that proposition and that this one will take its place. That is not because our proposition requires us all to, in many cases, run for election at the end of this year and then resign next year and face another election. Privileges and Procedures, of course, is suggesting that this all will not take place until 2011 which is a long time away and I am sure some of us at least will not be in the Chamber when these changes are made. So, if one was being selfish as a Constable one might prefer to push for this one because it gives one a little more time, subject to the electorate, of course, to represent one's Parish. I think some Members came to the debate believing that they would not be supporting any part of this and we have certainly heard some very negative speeches as Deputy Power said. But it does seem to me that this proposition, in its relatively unamended state, offers some very important things to us and to our public. First of

all, it does offer a combination of what is traditional and what is modern. It has kept, after many debates, the role of Parish in Government and the role of the Constable but it is also saying that we cannot stay as we were with a system that many of our electorate simply do not understand and, of course, many of our visitors do not understand either when we try and explain to them the difference between a Deputy and a Senator, for example. I believe that modernising or reforming our system of government is vital and this proposition offers a balance between keeping the best of the old and bringing in some of the new. I think it is worth saying as well, I think, some Members do not realise this that if these proposals come into force you will still vote at the Parish Hall. The parochial running of elections is going to continue so you have to go there for a start to vote for your Connétable and then you will be voting for a number of other Members in the larger constituency in which that Parish Hall is based. There will still be opportunities for bands and for hustings and for rosettes and in the rural Parishes, all the other things they do. They ride around on bicycles and they have horse and carts and so on - and they even have fisticuffs in some Parishes as well, I believe. So, I do not believe that the parochial running of elections is going to change all that much. What, of course, has perhaps not been stressed enough by those supporting this proposition is it does offer something which is very important to me, and many of the propositions that I brought to the States have been about equity or fairness. It does seem to me that the current system that some Members have waxed so lyrical about is incredibly unfair. It gives some Members of our community a much bigger say in how they govern than others and I think that is a fundamental inequity that this system will remove overnight. Everybody, it seems to me, will have the same role in determining how they are governed in terms of the numbers as everyone else. Representation will become, for the first time perhaps ever in this Island, it will become fair. And I believe that is a very important principle. The principle of equity will be achieved by this set of proposals by creating these larger districts. The other point that has been stressed by many Members, particularly latterly, is that this proposition offers public choice and I think the message we will send out if we vote it down is that we think we are right and we know how this Government should be run. Of course they would, would they not, the public will say. No, the message that will go out is that the States Members do not want any reform and they certainly do not want to give the public any chance to influence it. What will we be criticised for if we approve it today? Some Members think that this is a nonsense proposition. Deputy de Faye was certainly at one of his peaks of effusiveness and loquacity in attacking it but what will he be criticised for by his Members? Simply for giving the public the choice in how they are going to be governed. The ability to have referendums has been on the statutory book for years and I think it is time we used it. What better use for a referendum than in the composition of our Government and I recommend Members to approve it.

5.1.24 Senator B.E. Shenton:

I was not going to speak in this debate until I heard the Constable of St. Helier speak. **[Interruption]**. That is not mine. The Constable says that we should vote for this because it equalised representation and yes, it retains the Constables. So, where does the Constable of St. Mary stand in this, in this equalisation of representation? It does no such thing as equalise representation and I can understand why the Constable of St. Helier may support it because, of course, St. Helier would be one of the super-constituencies. I think we also have to remember that in the M.O.R.I. poll - I was not in favour of the M.O.R.I. poll in the first place - many more people wanted an Island-wide mandate than people that wanted to keep the Constables. In fact, significantly more wanted an Island-wide mandate than wanted to keep the Constables. So, this is not a panacea or a perfect solution. It is another fudge. I think also it will ultimately lead to the destruction of the Parish system. If we move towards the super-constituency the Parish system days are numbered. How many of us, when we are picking up retirement cheques... and for some of us it will be further away than for others. I have got a very long time to wait but I do not want to go down to the Grouville Parish Hall and find a sign saying: "Please go off to St. Martin or somewhere else. Closed down." Efficiency savings. Mind you, might be a good idea. **[Laughter]**

This is not a perfect solution. It is not an equalisation and I did bring propositions to the Assembly a while ago which was a very slight change to the Senatorial benches and Senator Norman, at the time, accused me of bringing a proposition that was a fudge. Well, if that was a fudge this is a much, much bigger fudge. It does not really achieve anything at all and if the Constables want to vote themselves out of office then I would be happy to watch it but I personally would prefer to keep the Parishes and reject this proposition.

5.1.25 Senator P.F.C. Ozouf:

I think for the first time in 2 years I am going to agree with virtually everything that Senator Shenton had to say. It may be the first time. It is certainly the first time and it may be the last. I am not going to vote in favour of this proposition. I believe in an Assembly of a blend of Members; a blend of Members of Constables, of Deputies and people with an Island-wide mandate for the Senatorials. I do not agree with this idea that the solution to our low voter turnout is simply one general election. Other nation states, of which we are one, have different elections. They have local elections, they have elections sometimes for their President, they have elections for their legislative assembly. We are confusing the issues of elections and the evolution of a democracy and I will not support it. I think this proposition is a pickaxe to the foundations on which our constitution is based. I agree with Senator Shenton. It will be the end of the Parish system. He did not say anything about the end of the Senatorial system but it certainly will, of course, be that and the Constable of St. Helier and his remarks said nothing. He said about the super-constituencies and I think Senator Shenton was again right. Certainly he would get more electors in his Deputorial benches. Maybe that is the case. Maybe we do need to reform the allocation of Deputorial benches but do not throw the baby out with the bathwater and effectively throw out Senators at the same time. The public want an Island-wide mandate and I think that we should bring forward a proposition which maintains the Island-wide mandate, maintains the Constables but effectively sorts out the distribution of Deputorial seats. That is what I would support in the longer term and as for this idea of a single election day for everybody in a national sovereign parliament, which we are, I think it is absolute nonsense.

5.1.26 Deputy J.B. Fox:

I find it very sad listening to the last few speakers: doom and gloom. I thought the idea of today was that we have discussed on 3 times on a major occasion and I think about 16 times it has been quoted as cherry-picking. The proposals today; no they are not going to fulfil everybody's desires and wishes. They probably have more equity than the systems that we have and no, it is not going to destroy the Parishes because you have got the Constables - already agreed - are still the father of the Parish. I, that represent a district of St. Helier, will still represent a district that might go a bit further out or change its style, but I will still represent the people and the people will still ring me up or whatever it is. But the one difference about today if we make a positive decision is that we will move forward. We will not finish the discussion. I have got no doubt about that, but we will move forward. But the first time in the living memory of this States - in recent times anyway - will let the public have the opportunity of a referendum to be able to give their voice and Deputy Martin has already ably pointed out that they have a choice of saying yes or no, and the no would mean we keep the *status quo* and the yes would mean that we move on to reforms. This States Assembly, from 1948, was being subject to reforms, and no doubt there was a lot of screaming and kicking and shouting going on there. I think the major one we have heard about in recent times is the introduction of social security. Well, I am glad we had the long-term vision in 1948 to bring it in. Where would we be today without it? Let us move forward, let us finish the debate and make a decision and I hope it is positive. I hope we send the right message. Thank you, Sir.

5.1.27 Deputy I.J. Gorst:

I am sorry to have to follow the previous speaker because I believe that if the House accepts this proposition today, as it stands, the one thing we will be doing is not moving forward. We will, in

actual fact, be moving back. I have been accused earlier today of being a relic of the 19th century. **[Interruption]** 18th century. I do apologise. **[Laughter]** But if we accept this proposition today we will be moving back. We will be; and be in no doubt about this, we will be bringing the demolition hammer to the Parish system and I fail to see how anyone can argue in any other direction. We have evidence before us in our sister isle. We will be demolishing the Parish system and I urge people not to vote for this because this is all there is. It is all there is but now we will have to have a time of calm and reflection and not even consider this reform again. Let us not just vote for this because it is all there is. It will not be moving us forward. It will, in actual fact, be moving us back. Thank you, Sir.

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

Very briefly, Sir, at a Parish Assembly recently we added the item “Constitutional Reform” to the agenda. All I can say is I am really confused and my parishioners wanted an Island-wide mandate, a Parish Deputy and the Constable to be in the States. So, who do I vote for, Sir? What my parishioners want or what the majority of people think we should be for? I know which way I am voting. I am going to stay with the *status quo*.

The Bailiff:

Does any other Member wish to speak? I call on the Chairman to reply.

5.1.29 The Connétable of St. Clement:

I would like to thank all Members that participated in this debate and I think Deputy Baudains did say this morning it was a well-organised, well-tempered - even-tempered - debate and I think this one was as well. I am not going to say very much because I am sure that Members have already made up their minds about this but there is just one thing. We keep on hearing about Guernsey and because they have moved over to larger constituencies that their Parish system has been destroyed. They never had a very strong Parish system there. Their Constables were not in the States. Their Parishes were represented by the Douzeniers, not the Constables. That makes a difference. It was not the head of the Parish that was in the States, it was somebody else. So this is not a proposition to destroy the Parishes. What it says - and if people would only read the proposition - is to agree that the current composition of the States should be amended and, from 2011, elected membership to the States should be the 12 Parish Constables. It does not say anything about removing them. It keeps them there and I cannot see all this argument about it is the end of the Parish system. It strengthens the Parish system because the Parish Constable will have a more important role, not only in his Parish but in the States as well. There is also this fear that the Parishes will be somehow broken up. It is not necessarily so. They may not be broken up because of the 6 new larger electoral districts, although St. Helier might be, but it is only “might.” We have not come to that conclusion. If you look at (f) in the proposition... sorry I have got the wrong one. Sorry, (f) comes in a minute. What we have said is we would look at the composition. We would examine the composition of the electoral districts to make certain that they represent an even number of electors. That is all we have said. It could easily be a combination of Parishes. I think the military intelligence of 1945 was cited as one of the reasons why we changed in 1948 but we all know that the military always tend to be overcautious so whatever they said could easily be not an accurate reflection of what was happening. What we are proposing is that this will not happen until 2011. What we are asking is that the electors are given a chance to say whether they want any reform. Now, it has been proposed that we should have more than one option but how many options do we have? Is 4 enough or should there be 5 or 6 or 7? I think we have got to make our mind up that we are going to follow one road and that if the electors do agree with that road we will adopt it. I think, as I said, I am sure everybody has made up their mind so I call for the appel, Sir.

The Bailiff:

Very well. The appel is called for on the proposition of the Privileges and Procedures Committee. All Members are in the Chamber and in their designated seats. The Greffier will open the voting. All Members who wish to do so have cast their votes. I will ask the Greffier to close the voting. The proposition has been rejected. 20 votes were cast in favour. 26 votes against.

Deputy G.P. Southern:

Can we hear the 20 please, Sir?

Deputy R.G. Le Hérissier:

Did my vote... mine was flashing and I did not...

The Bailiff:

I think perhaps we do just need to retake the vote, Deputy because it appears it may have stopped itself too soon. There was one vote short in the number of Members in the Chamber. The vote is open again.

POUR: 21	CONTRE: 26	ABSTAIN: 0
Senator L. Norman	Senator S. Syvret	
Senator F.H. Walker	Senator P.F.C. Ozouf	
Senator T.A. Le Sueur	Senator B.E. Shenton	
Senator P.F. Routier	Senator F.E. Cohen	
Senator M.E. Vibert	Senator J.L. Perchard	
Connétable of St. Clement	Connétable of St. Mary	
Connétable of St. Helier	Connétable of St. Peter	
Deputy A. Breckon (S)	Connétable of Trinity	
Deputy P.N. Troy (B)	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 G.P. Southern (H)	Deputy R.C. Duhamel (S)	
Deputy S.C. Ferguson (B)	Deputy J.J. Huet (H)	
Deputy of St. Ouen	Deputy of St. Martin	
Deputy J.A. Hilton (H)	Deputy G.C.L. Baudains (C)	
Deputy P.V.F. Le Claire (H)	Deputy P.J.D. Ryan (H)	
Deputy S.S.P.A. Power (B)	Deputy of Grouville	

Deputy S. Pitman (H)	Deputy of St. Peter		
Deputy of St. John	Deputy G.W.J. de Faye (H)		
Deputy of St. Mary	Deputy J.A.N. Le Fondré (L)		
	Deputy D.W. Mezbourian (L)		
	Deputy of Trinity		
	Deputy A.J.D. Maclean (H)		
	Deputy K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		

6. Composition of the States: referendum (P.86/2007)

The Bailiff:

Very well. With that proposition having been rejected, the Assembly is able to move to the next proposition in the name of Senator Perchard. Once again it is a very lengthy proposition. Are the Members content to take it as read? Very well, I will invite Senator Perchard to make the proposition. I call the Members to order please.

6.1 Senator J.L. Perchard:

Reforming the make up of the States is proving difficult to say the least. There are many strongly held opinions and we have heard many of them today and yesterday and Members will have heard many of them over the last and past years. Constable Gallichan's recent experience at his Parish Assembly is a very late example of the opinions and the confusion and the views that are held outside this Chamber. I am of the opinion we could talk here today, tomorrow, next week, the week after. We could talk here about the subjects until the cows come home and this Chamber would not reach a decision as it is desperately confused and divided on this issue. However, looking at the positives in all this, there seems to be agreement on some matters. A 4-year term for Members; a general election day; and there are probably too many categories of Members in the States. I think there is general agreement on those things and that we would possibly like to move to a spring or summer election and possibly that there are too many Members in the States. I think if we were to confine our debates to those issues we could get a consensus and agreement but the big question that needs answering, formally I believe, is what do we do with the Constables, Senators, M.S.J.s, Parishes, super-constituencies, Island-wide mandate. That is the problem area. We keep hitting the wall when we address it and we have done that again today. While it is good to talk and I think we have done this, we are on the verge of talking this to death. That is why I believe it is time to ask those who we represent. It is time to ask those who we represent through the process of a referendum. We can ask how they really do want their Assembly to be constituted. We have had debates in the past years and an amendment yesterday and debates today with potential options for the way forward. Ironically, all of those options - particularly the 2 today and the one yesterday - are perfectly workable but yet we cannot agree. They are all perfectly workable and many of them desirable to many people. Sir, in my proposition I have included 4 perfectly viable options for a way forward. I have chosen not to promote one option before another as I consider that would be extremely stupid, particularly if I am serious about driving this process forward and I am. I suggest, Members, we all should be. Even if this means some delay in reforming the States it must be right to seek the accurate views of those we represent. To do this would and should not be seen as a sign of weakness at all. On the contrary, to seek the views of those we represent should be a sign of strength. A properly structured referendum, aimed at

reconnecting the people of Jersey with their government, provides an opportunity that we should grasp with enthusiasm. I suspect that we will be seen and judged to have failed in our effort to reconnect government with the people we represent unless there is a provision for genuine, meaningful participation by the electorate in the referendum. Let us not fudge this. Give them a meaningful option to participate in a referendum. This is why, Sir, I feel driven to bring forward proposals that provide the electorate with options. Options which I believe to be the most viable, the most popular, and options, Sir, which provide meaningful choice. My proposition recognises and includes the option provided by P.P.C. in their proposal P.75 that we have just rejected. That is the referendum that there be 12 Constables and 36 Deputies elected on a super-constituency basis. My proposition also recognises Deputy Baudains' amendment to P.P.C.'s proposition that there should be 12 Constables and 36 Deputies elected on a Parish basis. My proposition goes further and provides 2 additional choices to the electorate; firstly that an Assembly should be comprised of 12 Senators, elected on an Island-wide basis, and 36 Deputies elected on a Parish or constituency basis. Secondly, that all 48 Members of an Assembly to be known as Deputies *à la Clothier* and to be allocated across the 12 Parishes in an as equitable as possible fashion. In reality, if approved, my proposition will provide for a referendum with 4 choices available to the electorate. I am in no doubt that the general public would have little problem in choosing their preferred option from a choice of 4. I have also every confidence in the general public making the correct choice. I suggest to Members, Sir, that if any one of the 4 mentioned options that I have just promoted has the support of any Member in the States today that they should consider my proposition because they will then be promoting their favoured choice in a referendum for people that they represent to have an option to choose. By doing so they will allow the people they represent an opportunity to participate in a meaningful decision-making process allowing them real choice on how their government is constituted. My proposition also asks the States to agree that as soon as reasonably practicable all 48 Members of the States should be elected on a single election day and for a common term of 4 years. It also charges P.P.C. to consult, as appropriate, with Ministers and report to the States with recommendations on the feasibility of holding elections for the States in the spring or early summer. It now seems obvious that P.P.C. and Deputy Baudains were driven and obsessed in their effort to arrive at a situation whereby the terms of office of all Members were managed to conclude on a single election day in 2011. They were motivated by haste. The addition of my paragraph (b), which requires P.P.C. to prepare and lodge at least 2 months before a referendum is held, proposals regarding the boundaries and size of the proposed 6 large electoral districts and on the equitable distribution of Deputies' seats across the 12 Parishes, will undoubtedly add some months to the process but will undoubtedly add some clarity to the process. Therefore, the existing time targets the Committee have set will probably not be met, however, I argue, Sir, that it is more desirable and far more important that we ensure that any reform of the make up of this Assembly is undertaken in a measured and publicly acceptable manner with the final choice being offered clearly to the people we represent. I make the proposition, Sir.

The Bailiff:

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

Deputy G.C.L. Baudains:

May I just seek a ruling from the Chair, Sir, because it is not clear to me. Before we get into the debate, does the wording of this proposition preclude the *status quo* option in the associated referendum for those who prefer no change, or could it be included? The proposition does not allow for it, does it therefore preclude that option?

The Bailiff:

The proposition does say that the view should be sought on 4 options. One assumes that the Members who wanted the *status quo*, would have to vote no to all options.

Senator P.F. Routier:

Just one other clarification. In options 3 and 4 there is the word “or”. It goes: “Parish or constituency.” Does that then make it 6 options that people would be asked to think about?

The Bailiff:

I think my understanding is that wording has been used in the various propositions to indicate the present method of electing Deputies.

Mr. W.J. Bailhache Q.C., The Attorney General:

If I may assist Members, the exact form of the questions will have to come back before the Members for debate, regardless of what is in this proposition, so the matter will be debated again.

Deputy J.J. Huet:

Would we be allowed to add this other one if we wanted, if it has to come back?

The Bailiff:

Members would be free to amend the Referendum Act when it is brought back.

6.1.1 Senator L. Norman:

I respect the belief and the passion. No, I really do. **[Laughter]** I really do respect the belief and the passion that Senator Perchard has in this proposition, but I also believe passionately that it is an absolute nonsense. It is not even in pure, real terms. He is not even asking for a referendum. A referendum, as I understand it - and I think most people throughout the world understand it - is when you ask the electorate to endorse, or otherwise, a decision of the Government, or in this case the States. In the event the States have made no decision, or they have made a decision to make no decision. So, there is nothing to hold a referendum about. What Senator Perchard is asking us to approve is another tick-in-the-box opinion poll, which if previous polls are anything to go by, will give us no clarity and will give the States yet another excuse to do nothing, as if they need an excuse to do nothing. What Senator Perchard has failed to understand is that no matter what States Members say in public the majority are totally opposed to any change and they will seek out any excuse to maintain the *status quo* and this proposition, if adopted, will give the Luddites another excuse to do nothing. The only thing I can think of, that perhaps Senator Perchard himself is a closet Luddite. Sir, if we look at the proposition, what Senator Perchard wants to ask the public for is (1), an Assembly comprised of 12 Constables and 36 Deputies elected on a Parish basis. Sounds familiar. We have just rejected that. What is the point of going out to the public and saying: “Do you want to support something the States are going to reject?” (2), an Assembly comprised of the 12 Constables and 36 Deputies elected in 6 new large electoral districts. Sounds familiar? We have just spent all day debating that, and we have rejected it, but we are going to go and ask the electorate if they like it. What is the point? (3), an Assembly comprised of 12 Senators, elected on an Island-wide basis and 36 Deputies elected on a Parish or constituency basis. Most people have worked out that just cannot happen with equal 4-year terms. It does not work. So, we are going to ask the public if they would like a system which we all know, except for Senator Perchard, cannot work. What is the point? The Senator will have another go later, Sir. I only have one chance. Finally, an Assembly comprised of 48 Deputies elected on a Parish or constituency basis. Does that sound familiar? We rejected that one. They have probably forgotten because it was yesterday that we rejected that one. **[Laughter]** Sir, there is absolutely no point whatsoever in progressing this proposition. Not one. But having said that, I am going to vote in favour of it **[Laughter]** and I am going to vote in favour of it because I passionately believe in something. I passionately believe in the change and the reform that this House needs and if this does get approved at least one thing will happen, the debate will continue, and that is the only saving grace that this proposition has.

6.1.2 The Deputy of St. Mary:

For several moments there I thought there must be a hidden camera here because that is pretty much what I have written down. I disagree with the sentiment that we should vote for it though because what we will end up with is another round of things that will come back to the States for debate again and then be thrown out. It is a jolly good job that I come from the happy Parish because I am not feeling particularly bright right now. I am, in fact, feeling thoroughly dismayed that this proposition has been brought, bearing in mind the debates that we have just had. Over the last 2 days I have optimistically - too optimistically it appears - hoped that this House would be capable of showing leadership, showing the very leadership that the people of this Island deserve. I said it was decision day, did you not listen? You have given me Groundhog Day. Here we go again. There are 4 options here. We have effectively just voted, as a House, for the *status quo*. We have systematically eradicated every one of these options one by one. We need a reform that is (a) workable, (b) desirable and (c) - please - capable of being adopted by this House, and if we are not going to adopt anything, what on earth is the point? Recently, a few months ago, we had a debate on G.S.T. (Goods and Services Tax) and there was a really nice little scenario painted-up there of a young Deputy Gorst in his little shorts and a sweet shop. Do you remember that one? Very interesting. But this reminds me of that debate and this is like taking the young Deputy Gorst into the sweetie shop and letting him look at all the sweeties. There is that one there, that one gives you energy for sport, this one gives you a lovely chocolaty feeling. But I am not going to let you have any because they will all rot your teeth. We are showing the public again all the options that we have discussed and then we are telling them at the end: "Well, you can choose one perhaps, if enough of you want to, but the likelihood of it is that we will get an even spread and be no further advanced than we were before." But not one of those options... in fact, the third option is unworkable because what is the point of Senators if there is no difference in term? But not one of those has shown any sign of being capable of being accepted by this House. I just really do feel that I am locked in a never-ending cycle here and I, for one, have the courage to say, if this House is not going to do it, let us stop wasting this valuable time we have for debating, move on and do something else, look at this again in a couple of years maybe if there is a call for it, but if this House is not going to have the courage to put one choice - show leadership and put one choice - to the people to say: "This is the best fit for what you have asked for. Do you like it, or have you perhaps changed your minds?" We have rejected that, so I say, let us reject this and let us get on with some sensible business, Sir.

6.1.3 Deputy P.N. Troy:

If you had a car and the indicators did not work so that other drivers could not see where you were going; if you had a car where the headlights did not work, so that when you were driving late at night you could not see where you were going, would you not fix it? This Assembly is in that position. We have a system, something that is falling apart. It is out of date and we have just decided to keep the same old system. We have the same old car which, quite frankly, is not suitable as a modern democracy. We have needed to change and I think Members have just made a big mistake today. I think they have demonstrated that they are dinosaurs stuck in the past and I really feel that many people on this Island are going to be disappointed today in the people in this Chamber and I am disappointed that we have not taken a step with P.P.C. to have sent something out to the electorate for them to consider in a referendum. It is a very sad day, as far as I am concerned, someone who has had a great interest in electoral reform, the constitutional reform of this Government. I really am extraordinarily disappointed with the way this whole episode has panned-out. From my point of view, the Constables today... this was presented by a Constable who has some vision. One of the Constables who has vision. He was supported by one other Constable and the rest did not vote for any change at all. Their position was protected in this Chamber in the proposals and they still could not see the wood from the trees and I am extraordinarily, extraordinarily, extraordinarily disappointed.

Senator S. Syvret:

What did that speech have to do with the proposition we are debating at the moment?

6.1.4 Senator P.F.C. Ozouf:

I am not a closet Luddite. I also do not believe one single word of what Deputy Troy has said in terms of this Assembly falling apart. He is effectively telling the people what he wants them to believe. He is saying that we are an Assembly falling apart at the seams. We are not an Assembly falling apart at the seams. We are a carefully balanced, well-tuned Assembly of different Members chosen from different constituencies which have evolved over the last 40 to 50 years and that is the truth of it. He can stand here and patronise and bleat and preach-on to other Members about his views of the make up of the Assembly but they are not shared by me and I do not believe they are shared by a significant number of Islanders. Having said that, I do not believe that this proposition is completely without merit. It is not a referendum. It is, effectively a universal public opinion poll and the one point that Senator Perchard has not explained - and his proposition effectively falls apart at - is that it has 4 options. He said that he was putting forward all the options that people would want. Where is the option, Senator Perchard - through the Chair - of the *status quo*; of the evolution of the *status quo*; of an Assembly made up of Senators, Constables and Deputies? It does not contain this option. Maybe other people later on in this debate could justify voting in favour of this proposition with a promise to put the *status quo* option, or a *status quo* plus rearranged Deputorial boundary seats. Maybe that is the situation. If that is a realistic option then I may possibly - possibly - be persuaded to vote in favour of it, but again I have misgivings because it effectively is not a referendum. It is effectively a widespread public opinion poll. Where I think he is right, however - and I wish I could but again probably I cannot - is vote in favour of Part (b) of the proposition which charges Privileges and Procedures to look at the allocation. It is (b)(ii) which looks at the distribution of Deputorial seats to ensure a fair allocation of seats, which clearly at the moment, no matter how uncomfortable it is, we do not have on the Deputorial benches. That is what I would like to do. I would like to vote in favour of a process of reform. I would like to trawl the public opinion for exactly what the views are of the make up of the Assembly, but I would like to include in it effectively the *status quo* option, or the *status quo* plus option of effectively re-looking at the allocation of Deputorial seats, but I am not sure that I can do that and if I cannot be persuaded in his summing-up - or if anybody else cannot offer any words of wisdom of how we could give the public a public opinion poll on a wider basis, with the *status quo* plus options - then I will vote against it.

6.1.5 Deputy G.W.J. de Faye:

Sometimes one has to say that one is filled with an experience of both wonder and amazement to be in the company of such a visionary as Senator Perchard. It is amazing that none of us ever saw this approach to government. How simple it would have been to send out an opinion poll on G.S.T. to the public. Which items do you think tax should be exempted on? Here is a list. Tick the boxes. I am sure my good friend, the Minister for Economic Development, would have been hugely relieved if he could have sent out a referendum saying: "Tell me, what do you think? On the till? On the shelf?" I know that I could abandon a whole section of my department that worries about car parking because I would simply send out a map of St. Helier to the public and say: "Please colour in where you would like to park." This is indeed a visionary approach to Jersey's Government. Sadly, like so many often misunderstood visionaries, I am afraid Senator Perchard may find that his immediate future existence turns out to be a lonely one because what is the point of sending out a type of poll like this? How much further forward will it carry us? We will simply come back with a set of percentages, possibly in a pie chart to confuse us even further, and we will find out that really the public had as much trouble making up their minds over these options as we do and we will get absolutely no further forward. Worst of all, it does not appear to include the *status quo*. Where is the "None of the above" box? Indeed, I fundamentally dispute that these are all the options. I have to say I was more than a little miffed by the P.P.C. when my suggestion for consideration of rolling elections... which incidentally is being picked up on by a number of the

members of the public who follow our proceedings. No, it has not reached revolutionary stage yet, but nevertheless I was more than a little upset to find out that there appeared to be absolutely no consideration of that concept whatsoever. It was simply ruled out as unworkable but with no really serious reasons given as to why. That is another option but it would not be presented to the public under this approach. This really is not the way forward and I am afraid, while I admire Senator Perchard's innovative approach to politics, he does not get my support for this.

6.1.6 Deputy J.B. Fox:

It has already been well covered - and I do not intend to go over it - that this proposition here is not leading us to a referendum and therefore I cannot vote for it. The sad thing is that it does not move us any way forward either. There are a lot of positive suggestions. I think that Mr. Clothier, and his panel, went through these positive suggestions some 7 or more years ago. Unfortunately we have not taken up the options. We have been around every scenario that is going and come up with every reason why we cannot go forward because one scenario does not interact with another scenario, *et cetera*. Earlier on today we had what I thought was the last resort of commonality that we might be able to put forward to the electorate, but that was turned down. I am sad to say that it is going to be a long time before the public - the electorate - are going to have the opportunity to be able to make their contribution to this reform process without it just being a consideration for various options. The electorate are not able to dovetail everything together with so many options. You have to have one that is yes or no and it has to be well thought out. This one, I can see why the Senator has put it down as a desirability, but in practice it will not work. Thank you, Sir.

6.1.7 Senator S. Syvret:

I was a little confused by something that the Deputy of St. Mary said when she was speaking. On the one hand she seemed to be quite angry in saying that we will not give the public what they want, but then she went on a little later in her speech to say, words to the effect, there would be no point in having Senators once the term of office was the same. Sorry, but the results I have seen of public opinion survey show that the public want the retention of the Island-wide mandate and the reason why there is a point to it - the reason the public want it - is because in the absence of party politics the broad community as a whole across the Island has some opportunity to elect people who might end up becoming Chief Minister or the Minister for Finance, The Chancellor, or that kind of thing. What would not be credible would be for us to end up with, dare I say it, somebody like the Deputy of St. Mary being the Chief Minister and us being completely unaccountable and unanswerable to the vast majority of the community. So, I think the public do have a bit more sense than people sometimes imagine and I think that is one of the reasons why the public are in favour of that. Senator Ozouf said that this would not be a referendum. It would effectively be an opinion poll. Well, even single question, yes or no, referendums within the British context where they are advisory rather than mandatory are just that, an opinion poll. It is up to the Government of the day then afterwards to carry a majority in the Chamber to enact the referendum. So, we are like that. We do not have mandatory referendums. Our referendums are advisory. So, they would not be binding on individual members of the Assembly. Some Members have expressed the view that it is not credible to put a number of different options to the public in a referendum and the referendum should be just a single question yes or no. That is not true. There are many jurisdictions in the world that do, in fact, offer multi-option questionnaires; Switzerland, for example, routinely... their cantons routinely hold referendums with a variety of options on different questions contained in them, a variety of the individual states of the United States of America adopt a similar approach and neither is it true to say that there is only ever a referendum once a government has settled on a question and then puts it to the public. That also is erroneous. There is what is called popular initiative, as many of these votes are; they are determined and set and put on the ballot paper if enough members of the public sign a petition asking for it. So, that can happen. Having said all of that I will not be voting for this proposition because I think, although I support direct democracy, we have never really used it properly in Jersey. Not extensively, not in the

modern era, and I think we would need - in order to get the public engaged and understanding all of the issues - to begin with something a good deal less complex and potentially difficult than this. I also think there are a number of very serious flaws in what precisely is proposed here. It does not, for example, stipulate whether there would be multi rounds of voting until there was a clear majority - an over 50 per cent majority of people voting for one option - or would there be S.T.V. (Single Transferable Votes) where people would write one, 2, 3, 4 next to their preferred options, and if their preferred option was eliminated their votes would then be transferred to the next one that remained in the running. There is no explanation, no attempt to address in the report and proposition those kind of questions and that is quite serious. Quite serious, because if you are having a first-past-the-post basically referendum on a variety of questions like this you could end up with one getting 26 per cent and winning and perhaps Members of the Assembly feeling obliged to enact it. But the remainder of the population, who did not vote for that option, who were not in that 26 per cent, might absolutely hate that option. It might be their least preferred option. Then what do you do? You would be introducing changes to our machinery of government that most of the population did not agree with, hated, and did not want. That is why a lot more careful thought has to go into structuring these kinds of exercise. I do not disagree with them in principle. Indeed it was me who first brought the in principle decision to the Assembly to hold referendums but I am afraid this particular report and proposition is profoundly flawed and I really hope it is rejected and rejected quite soon.

6.1.8 Deputy J.J. Huet:

For one awful moment I thought I was going to have to speak after that brilliant speech from my Minister, Deputy de Faye, but luckily enough there were some more lights in between. Sir, I am going to be very quick and the reason I got to my feet was I felt quite sorry for Senator Perchard when everyone kept having a go about the *status quo* and I was really standing here to say, can we add number 5, i.e. *status quo*? I know it is not what everybody wants, but if that is what is needed to make it acceptable... I know as Senator Stuart Syvret has said, that it does not have all the pros and cons and it does not have all the details, but is it possible to just add *status quo*, or not, Sir? That is basically what I am saying.

The Bailiff:

Certainly one cannot add it now, Deputy. The proposition has been lodged for the required period and no amendment has been tabled. So, no, it cannot be added at this stage.

Deputy J.J. Huet:

As I say, that was all it was, Sir, as I really thought if we could have, we should have. No problems. Thank you.

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

I had hoped that people were not going to throw this out simply because they think there is the odd flaw or 2 in the way it has been put together, because I would hope, possibly, if it does come back to the House that the *status quo* can be added to it because I think that is very important. I think probably where Senator Perchard, like a lot of others of us have thought as well... that people feel that there should be change and had not really thought of leaving *status quo* as an option and possibly that is the reason why it was left out but no doubt Senator Perchard will tell us his reasons. A number of people today have spoken about giving the public a choice and yet we have not given them one yet. Also give the public a say to have an opportunity to air their views; and also the public, give them the right to vote for what they want. Throughout the whole process, although we have had public hall meetings, we have *JEP (Jersey Evening Post)* polls, we have M.O.R.I. polls, we have had the radio phone-in polls: at no time have the public really had an opportunity to go into a ballot box, or into a public hall and put what they would like to say, put a tick against the box of the options they want, and what we have today is that opportunity. We are giving the public the

opportunity and I hear what other people have said today that we could not make our mind up, and I think most of us were amused by Senator Norman's speech, however, I think what he had to say at the very end was the important piece, that even though we may well have rejected these as States Members... and in fairness I voted against everything today because I really felt the only way forward really was supporting what Senator Perchard's proposition had today because of all the ones I prefer, option 4 - which I had brought to the States when we had the debate some time ago. But again, what we will see by having this, if indeed it is successful and I hope it is, is that when the public come back that may well be one of the best options. That is the way forward, but what I would ask Members is to give it a try. We have got nowhere so far, and at least if we keep the wheels turning this will help. So, it is not obligatory. It is only advice but at least help States Members concentrate their minds. Possibly we will get that change, I think, which we all thought was going to be achieved when we agreed to *Clothier* about 7 years ago. Thank you, Sir.

6.1.10 Deputy G.P. Southern:

Briefly, we are about to go from tragedy into farce. I would presume someone has pointed out that if you have a referendum with 4 options the odds are stacked against getting a clear result from that referendum. Q.E.D. (*quod erat demonstrandum*): shall we vote this out?

6.1.11 Deputy S. Power:

I sympathise with the Deputy of St. Mary and I feel her frustration in her speech. I came into this Chamber today absolutely of the view that I could not support this proposition because it did not make any sense. On (a)(i) and (a)(ii) we threw it out today; (iii) and (iv) do not include the Constables and we have already enshrined the Constables in the States so it is a proposition I simply decided when I first saw it, does not make any sense. Having thrown everything out today I am going to agree with Senator Norman, that if there is a door to be kept ajar, this is the one, so I am going to support it.

6.1.12 Deputy G.C.L. Baudains:

Following on from the last speaker and also from Senator Norman, I originally was totally opposed to this. Now, some Members have said that this would not be a referendum. It is only a glorified opinion poll. I have to say that I would have thought that a M.O.R.I. poll would have been more accurate than a referendum anyway because a M.O.R.I. poll is a compulsory referendum. Everybody contacted gives their opinion whereas a referendum is an opt-in situation where you are more likely to get the dissatisfied people turning up to vote than the people who are content with the way things are. This is the nature of voting generally. Having said that, and mindful of the problems that exist with the proposition as we have heard, option 3 basically cannot work. If the term of office is the same length for Senators and Deputies there is no incentive to stand as a Senator with the greater expense and the trouble involved in canvassing an area 12 times larger than a Deputy would have to do. There is no point in having the same length term of office. So, really that is not an option. However, this Assembly has failed today yet again to make progress. We were told by the Deputy of St. Mary we failed to make a decision. No, we have made decisions, we have just made the wrong ones. But if the questions that are in this proposition were put to the public, together with a health warning regarding (a)(iii), it might just give this Assembly the steer it needs. There is, however, a danger, or several dangers, as I outlined this morning, that when you have 2 or more options you might find that 2 options have a similar amount of votes. Option one and 2 perhaps might equally get 15 per cent of the vote, then what do you do? At least we would know however, from that, that instead of guessing we would know that the public want change and that they do not want option 4. They understand that option 3 does not work and they would like us to look further at the first 2. We would be better informed. Other Members have stated, and I raised it initially with you, Sir, the *status quo* is missing. Well, hopefully it could be added. I could imagine an amendment afterwards would still be in order, or I think it was suggested by yourself, Sir, the simple fact that one would vote against all 4 options. Surely it is not

beyond our wit to get over that issue. To use a car analogy that seems to be a favourite today, Sir, it does seem to me that we started with a Bentley, moved to Senator Vibert's Model-T Ford, and we are now down to a rusty old bike. But at least we still have transport. Let us not knock it. It could be your bike. **[Interruption]** It is probably in worse condition than your bike, but it is transport whereas you are hanging in there by the pedal. Sir, this proposition I do have deep concerns about and implementing it may not help but neither can it, in my view, do a great deal of harm. It may endorse the M.O.R.I. polls. It might even go further. Maybe it will give us the steer that we need to do something. I believe I can support it.

6.1.13 Deputy P.V.F. Le Claire:

I had not really prepared anything for this and I trust Members will forgive me as I look at it because I think it is important that we look at the issue of referenda and whether or not we give options. As was stated by Deputy Huet, I think at the time this was lodged originally the option 5 - the *status quo* option - was not put in as an amendment and I think at that time, because of the flurry of propositions that we have seen over the last couple of weeks, that is what happens when you rush business together. We saw much of this and many of these sorts of propositions being rushed together when the Ministerial system was being put before us. Unfortunately, what happens is Members' time and attention is deflected because we all have other things that we are doing and whereby there might have been a sensible amendment by one of the other Members it has not happened because we have rushed this into being. That is the unfortunate set of circumstances. I think that this proposition unfortunately has been debated a little too early without that inclusion. Surely the proposition of the Constables being elected on a single day should have been debated before this. That was a very wise proposition and one that was worthy of support. But the proposition goes further than just asking us to agree that a referendum is put before the electorate on 4 different issues which has already been alluded to as being complex. It makes me wonder whether or not the *status quo* will win over by empowering the apathy party that Deputy Le Hérisier has so aptly named to not bother to vote. I do not know how many times I have heard people say: "Why should we bother to vote? It does not make any difference anyway. They do not listen to us and they will just go ahead and do their own thing." Now, that will change obviously depending upon the person you are talking to as to what they mean. But there is a disconnect between the consultation that we do in the States of Jersey and the people of Jersey as to what they get. A lot of them feel that there is not much point in being involved because they do not get what they want. I can think of a number of things - and I do not want to upset anybody - but there have been a number of things that the public wanted to be introduced that were not introduced and a number of things the public did not want to be introduced that have been introduced. Senator Perchard wants us to charge the P.P.C. to bring forward for approval by the States at least 2 months before a referendum is held proposals regarding the precise boundaries and site of the proposed 6 large electoral districts. That is quite a complex issue and do we have to approve those proposals or do they just have to be brought? Do those proposals have to be consulted upon? Would the Constables feel right in debating something like that, unless they have been to their Parish Assemblies and asked their electorate their views on it? I certainly do not think they would be happy. Then also it is easy to make a proposition and get somebody else to do the work. Charge the P.P.C. to look at the proposals on the distribution of Deputies' seats to ensure an allocation of seats across the 12 Parishes that is equitable as possible. But we have heard already today from Senator Ozouf, and also Senator Syvret - and, although he did not succeed, by Deputy Baudains - about the issue about proportional representation, or maybe that is not the right word, but the amount of people who receive an allocation of seats in this House. As Senator Syvret pointed out, where is the parity when you have somebody like the Constable of St. Helier having the same power in this Chamber as perhaps the Constable of St. Mary. There is not really any although their duties are similar the actual relationship between those are immensely different. Deputy Duhamel pointed out there is a different element of representation, whether they be young, rich, old and those need to be thought about. But how would we go about ensuring a responsible distribution of

Deputies' seats to the satisfaction of ourselves as a government discharging its responsibilities to the electorate, unless we were to take up the eminently sensible idea of Senator Ozouf today, which was that we need to look at bringing in the electoral issues in from outside perhaps to look at this issue in the complex nature that it requires. I know that when Senator Ozouf mentions something like that he has done some research, and I know that when you talk about referenda I do not think there is anybody more studied in the detail of those issues than people such as Senator Syvret, and they have looked into it. I looked into it very, very briefly but in a referendum it is also appropriate that you give each side of the argument equal funding and equal representation when you put it to the people and those that are for it and those that are against it. So, if you have 4 arguments - or 4 propositions for the people - then you have to have the ability to allow detractors of those options the opportunity in a referendum, in my view, to put the counter-principle and that is why the yes and the no campaigns in referenda in Europe have been funded by outside bodies and have been basically supported by people from outside of the countries that the referendum was taking place in. The P.P.C. are also asked to bring forward for approval the necessary Act under the Referendum (Jersey) Law to enable the referendum to be held as soon as practicable. But how long would it take for us to go out, consult with the Parishes and the people on the 4 different issues that were available to them; educate the 16 and 17 year-olds and the new 18 year-olds who are now going to be eligible to vote, about what a Constable is, what a Senator is, what a Centenier is - a little different, what a Deputy is, where they can vote, how they can vote; and then talk to them about not only understanding the system we have but 4 different types of systems they could choose on the day they go to elect a Member in a system they have just barely got their heads around. I think that the chance for change and the opportunity for change needs to be passed over until after the next election to let the people that elect the new representatives in this new Ministerial form of government in the next elections, have their say and I do not think giving it to them in a 4-option referendum is the best way of promoting a high turnout at the poll. Even if they want to be involved - and I think it is going to put people off to be honest - there would be a high degree of uncertainty, confusion, support papers, and the complexities are going to be just too much. I think the only reasonable time to hold a referendum is during a Senators' election so that the costs can be defrayed because the system is set up to conduct an Island-wide poll at that time. It would be ludicrous to have a referendum on these issues, in my view, at any other time. So, we are looking at all this work which has to be done while we have other things to do, being done by the P.P.C. We have all these issues about the Code of Conduct, the waste strategy, the transport strategy. It is all very well at the end of the year, but when we come back after the summer break I am quite certain that we will not have an empty agenda. From my experience - limited as it is - what normally happens in the first year and a half of Assembly is people get their feet under the table and towards the end of the first year and a half, as now, they start to see the paperwork, as we are seeing now. With my limited experience with the Ministerial system, as I am seeing now, that paperwork will increase as those strategies and those business plans come before us and it is then, and now, and after the summer that we are going to see, in my view, a lot of serious work on our desks. Do we really want to ask the P.P.C. to stop what it is doing in respect of all these other issues and go off and try and organise a referendum that can be held on 4 different subjects, that does not even offer us the option of a *status quo*. The only option for the *status quo* is not turning out. What kind of encouragement is that? I think we just have to lift our head out of the sand now and say: "This is it. It has happened. We have debated it. It has been long. It has been weary. People will be disappointed. Some people will be happy." I think it is time to put it to bed until after 2008. We have to let the new Ministerial system now set-in. We have to stop navel-gazing. It is becoming embarrassing. We have to stand united against the detractors of Jersey and we have to stand united against the detractors of Jersey's system of government because they would love - dearly love - for us to spend more of our time at the offices that make up the composition. The proposer of the motion I hope will be taking on board what I am saying. I am making an effort to make a reasonable speech, though it was not prepared. I am trying my best to give him some support where I can. It is asking also under (f) to charge the P.P.C. to consult as appropriate with Ministers

and report to the States with recommendations on the feasibility of holding elections for the States in spring or early summer. There is another demonstration of how it is easily done, how it is easily missed. Do we all remember today that we unanimously supported Deputy Southern's proposal when it came to not just Ministers but Members being consulted upon? We did; 100 per cent of us. We did not even get to an appel. It was the shortest part of this debate, unlike my speech, for which I make no apologies for. So, we have missed another trick on this proposition and again the reason why we have missed another trick on this proposition is because it has been brought at the end of the year. It is now silly season. We should bring our games in next year and have the games day because this is not getting us anywhere. To debate this kind of stuff without the right opportunity... For the Constables to have taken it to their Parishes under the required lodging period and have debated it, I ask any of the Constables: how many meetings have they had with their parishioners on this issue? None. I know we are fast approaching the end of the day, but is that really adequate? Is it really adequate that we have a system of government where we support in its entirety the retention of the Constables and their function of retaining their links to the Parish, but yet when it comes to an important issue of a referendum about the composition of the States Assembly they have not had time to go and ask their people in their Parishes what they think about it. It is just not good enough. We have brought this proposition for debate too quickly. Trinity has, I am being told. Hats off. Hats off to... **[Interruption]** on the 4 issues? Oh, on the *status quo*. Well, that is not what I asked and that is not what I heard. That is a different issue. I have been around the Parishes and I have listened to what people have said as well. They said they wanted to keep the Constables and they wanted to keep the parochial system. To go back, after having asked them once already - twice already, 3 times already, 4 times already, 5 times already - and to ask them if they want 4 more options, I think is a slap in the face. I think since Senator Perchard has been in the States Assembly he has brought forward some very good issues, brought some academic rigour to many questions and exercised good judgment in a lot of speeches that he has brought. But I am sorry to say that due to the fact that this proposition has not had the time necessary for Members to participate in and with it, it is just not going to do and I am sorry that it has taken this time for me to say this. I did not really want to speak today but I felt it was necessary. Some people might find it amusing, Sir, but I am trying to make a point. We need to make sure that when a proposition has come before the Assembly - let alone on composition issues - that it has had the proper... This is a document about consultation that has had no consultation. One of the most serious things that we are involved with... and just because it is tacked-on the end of a series of debates that have been long coming, some people think we should give it an ability to run because it continues with Senator Norman's view that it keeps the argument going. I look at the clock, Sir, and I could go on for another hour but I think maybe if Members are minded, Sir, maybe we could break. I propose the adjournment, Sir. If they are willing to take it, Sir, I will stop my speech, if not, I will continue.

ADJOURNMENT PROPOSED

The Bailiff:

It is 5.30 p.m.

Senator S. Syvret:

Just to be clear, has the Deputy finished his speech, or not?

The Bailiff:

He has finished his speech.

Deputy P.V.F. Le Claire:

If we are going to adjourn, Sir, then I will probably not continue tomorrow, but if we are not going to adjourn I have a few more things to say.

The Bailiff:

The Deputy has proposed the adjournment. It is 5.30 p.m. Just before we adjourn Deputy Le Claire, during his speech, has drawn my attention to a matter I had not noticed. In referring to paragraph (f) of the proposition of Senator Perchard he has of course drawn attention to the fact that this is exactly the wording which has just been rejected by the States in paragraph (e) of P.75 and therefore paragraph (f) I am afraid must fall away because the States have already voted on it. If Members agree we will adjourn until 9.30 a.m. tomorrow morning.

ADJOURNMENT