

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 9th SEPTEMBER 2009

<b>PUBLIC BUSINESS – RESUMPTION .....</b>	<b>3</b>
<b>1. Composition and election of the States: revised structure (P.72/2009) - second amendment (P.72/2009 Amd.(2)) - resumption .....</b>	<b>3</b>
1.1 Connétable A.S. Crowcroft of St. Helier: .....	3
1.2 Connétable S.A. Yates of St. Martin: .....	5
1.3 Senator B.I. Le Marquand: .....	5
1.4 Connétable P.F.M. Hanning of St. Saviour: .....	6
1.5 Deputy J.A. Martin of St. Helier: .....	7
1.6 Deputy P.J. Rondel of St. John: .....	9
1.7 Deputy T.M. Pitman: .....	10
1.8 Deputy P.V.F. Le Claire of St. Helier: .....	12
1.9 Senator S.C. Ferguson: .....	15
1.10 Deputy D.J. De Sousa: .....	16
1.11 Deputy M. Tadier of St. Brelade: .....	17
1.12 Deputy R.G. Le Hérisier of St. Saviour: .....	23
1.13 Deputy D.J.A. Wimberley of St. Mary: .....	26
1.14 The Connétable of St. Mary: .....	34
<b>LUNCHEON ADJOURNMENT PROPOSED .....</b>	<b>37</b>
<b>LUNCHEON ADJOURNMENT .....</b>	<b>37</b>
<b>PUBLIC BUSINESS - Resumption .....</b>	<b>37</b>
The Connétable of St. Mary: .....	37
1.15 Deputy K.C. Lewis of St. Saviour: .....	38
1.16 Deputy S. Power of St. Brelade: .....	38
1.17 Connétable L. Norman of St. Clement: .....	39
<b>2. Composition and election of the States: revised structure (P.72/2009) – amendment (P.72/2009 Amd.) .....</b>	<b>42</b>
2.1 The Deputy of St. Martin: .....	42
2.1.1 The Deputy of St. Mary: .....	43
2.1.2 Deputy M. Tadier: .....	44
2.1.3 The Connétable of St. Helier: .....	45
2.1.4 The Connétable of St. Mary: .....	45
2.1.5 The Deputy of St. Martin: .....	45
<b>3. Composition and election of the States: revised structure (P.72/2009) (continued) ....</b>	<b>46</b>
3.1 The Deputy of St. Mary: .....	46
3.2 Deputy D.J. De Sousa: .....	50
3.3 Deputy P.V.F. Le Claire: .....	50
3.4 Deputy J.B. Fox of St. Helier: .....	52
3.5 Deputy J.A. Martin: .....	53

3.6	The Connétable of St. Helier:.....	54
3.7	Senator J.L. Perchard:.....	55
3.8	Deputy R.G. Le Hérisier: .....	56
3.9	Senator S.C. Ferguson: .....	57
3.10	Deputy T.A. Vallois of St. Saviour: .....	58
3.11	Deputy S. Pitman of St. Helier:.....	58
3.12	The Deputy of St. John: .....	59
3.13	Deputy M. Tadier: .....	60
3.14	Deputy J.G. Reed of St. Ouen: .....	62
3.15	Deputy J.M. Maçon of St. Saviour:.....	63
3.16	Deputy T.M. Pitman: .....	63
3.17	Deputy A.K.F. Green of St. Helier:.....	63
3.18	Senator P.F.C. Ozouf:.....	64
3.19	The Deputy of St. Martin: .....	65
3.20	The Connétable of St. Mary:.....	65
<b>4.</b>	<b>Composition and election of the States: revised structure - suspend Standing Order</b>	
	<b>89(a) .....</b>	<b>68</b>
4.1	Deputy M. Tadier: .....	68
4.1.1	Senator S. Syvret: .....	69
4.1.2	The Connétable of St. Mary:.....	69
4.1.3	Deputy M. Tadier: .....	70
<b>5.</b>	<b>Composition and election of the States: revised structure (P.72/2009) (continued) ....</b>	<b>72</b>
	The Bailiff: .....	72
	<b>ADJOURNMENT PROPOSED .....</b>	<b>73</b>
	The Connétable of St. Mary:.....	73
	<b>ADJOURNMENT.....</b>	<b>74</b>

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

### **PUBLIC BUSINESS – RESUMPTION**

#### **1. Composition and election of the States: revised structure (P.72/2009) - second amendment (P.72/2009 Amd.(2)) - resumption**

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

We return to the debate upon the second amendment, that is the amendment of the Connétable of St. Clement.

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

The Constables are often, I think, unfairly accused of voting *en bloc*. I do my best in a small way to dispel that myth. However, I am not going to do so today. We can probably rely on the Constable of St. Clement to do that. I have to say that I think other groups in the States can be accused of voting *en bloc*, just as much as the Constables. But that is by the by. One of the most curious statements - it is one I agree with - but one of the most curious statements to be found in the Constable of St. Clement's report is the third paragraph, where he says: "It is vital that the relationship between the Parishes and the States remains intact because Parishes are very heart, the very basis of our cultural, social and political life and without the link it will surely wither and die." Absolutely agreed. I would contend, however, that if the Constable of St. Clement's amendment is approved, that is exactly the opposite of what will result. Admittedly, when I joined the Committee of Constables, perhaps a bit like him, a bit of a young Turk - young, anyway - younger, and I certainly was signed up, to start with, with the Clothier principle of all Constables seeking election as Deputies. However, I think it was the experience of being in the Committee of Constables that has taught me over the last 8 years that you simply cannot have 2 grades of Constable. A Constable who is in the States and has access to Ministers, access to the ability to put Back-Benchers' bills, access to question time, and a Constable who stays in the Parish Hall or Town Hall; you cannot have 2 kinds of Constable. You have to have all 12 for the Committee of Constables to operate effectively, each with equal voting rights, regardless of how many constituents they have, the ability, not always, but most of the time, to reach a consensus over the matters that they discuss. I have always found it curious, the issue of being in the States *ex officio* or by virtue of one's office and wondered what the difference is, having fought 2 contested elections on a manifesto which has included the ability, particularly important for the urban Parishes and I suppose no more so than for St. Helier, to fight the corner of your Parish in the States when it comes to it. States Members, I think, need also to consider their future ability to question the Parish authorities. We saw a good example of it only yesterday when we had a question put to the Chairman of the Comité about Parish Assemblies. Responses came in co-ordinated by the Secretary of the Comité so that all Members have in their possession information about how that particular point works. How will it work when only, say, 6 of the Constables are in the States? What happens if the other 6 simply say to the Secretary: "Well, I am sorry. I am not going to supply that information to the States Members." They may simply refuse to do. More importantly, the issue of local taxation, which, as we all know, in Jersey is down to the Parishes and the parishioners who every year inspect the Parishes' accounts and vote yes or no to the budget that the Constable puts forward, now, most importantly, the Island-wide rate collected on behalf of the States by each Parish and set by the Comité as a body of 12 remits in excess of £9 million to the Treasury. How is that link, how is that relationship in terms of local taxation going to work if you only have 4 of the 12 Constables in the Chamber? I do not know how many of the Guernsey Constables are also Deputies. I know the Constable of St. Peter Port is because I met with her earlier this year. But I do not think many of them are. Certainly, if you want to look at a system where the Constable, the Parish link with Government has been almost completely eroded, with due deference to my colleague in St. Peter Port, then go and look at Guernsey. I think also we need to have a slightly longer view than Clothier has had. Clothier made some very disparaging remarks about Constables. It talked about them rising up from the ranks of the honorary system. I sometimes wish I had. But maybe I have

got that to look forward to afterwards. I think what Clothier forgot was that the Senators were an invention of the 20th century. The Deputies were an invention of the 19th century. The Constables go back to the very mists of time. Looking at the benches, you might well think that is still the case today. I think if Clothier had received evidence not just from people alive today but from Balleine's Biographical Dictionary, then he and the Clothier Panel would have come to a very different conclusion about the role of the Constable. At the risk of turning this into a history lesson, I want to just give a couple of examples from the Biographical Dictionary of 2 Constables, who, I submit, to have not had in the States would have weakened the Assembly. The first is Constable Philippe Baudains, whose bust Members will have been in Parade Gardens, erroneously saying that he was Constable for 15 years because he retired through illness and then got better and came back with a vengeance, serving, I think, a total of 21 years. To quote from Balleine: "During all this period he was the most active Member of the States. He introduced more than 100 Bills, dealing with such varied subjects as potato diggers, pilotage, pawnbroking, sale of meat, storage of gunpowder, eau de Cologne duties, lotteries, electric light, limited liability companies, swimming pools, cab fares and cruelty to animals, his most important triumph being the introduction of voting by ballot. This gentleman, as well as doing that, of course, personally dealt with a lot of offenders, thousands of offenders, in fact, and personally dealt with welfare claimants in St. Helier. So I submit that this person deserved his place in the States. Perhaps more controversially was another Constable; Godfray. Sorry, not Godfray. I am getting them a bit muddled up. I am not going to give a second history lesson because I get them muddled up - Le Sueur and Godfray. But I think the point is made that the Constables, certainly in the Victorian period, did a great deal of work in the States as States Members. In my submission, it would be entirely wrong not to look at the role of the Constable in history, looking back. Now, the Constable of St. Clement would have us believe that the Parishes are simply teeming with potential Constables who are deterred from careers in this Chamber by the prospect of attending the States. Sometimes one can have sympathy with that view. But I have seen no evidence of this. In fact, many Parishes struggle to fill their parochial honorary roles such as road inspectors, roads committee, Honorary Police and so on. I think the best interests of parishioners can hardly be served if we say that they are going to be able to elect somebody who is either unable or unwilling to represent the Parish in the States. Last night I was at the Honorary Police meeting in St. Helier and I asked the Honorary Police there what their view was, having had, I must say, very few representations and support of the Constable of St. Clement's amendment. "Now, they would say that, would they not?" I suppose is going to be the reply from some. But certainly none of the Honorary Police that I spoke to last night supported the idea that the Constables should be removed from the States. Why should one not ask them: "Are these not the people who give up their time to serve their Parish, who know perhaps better than other commentators on the Parish system exactly what is involved?" So I found that a useful bit of consultation and I wonder really how many Members have been inundated with requests to remove the Constables from the States. Now, I want to go back, finally, to the point that the Constables have been here since, I suppose, the Middle Ages. They are the only one of the 3 États de Jersey still left in the States. I believe that we cannot have a system where we only have some of them here because I do not believe that we will achieve the consensus, that we will achieve the balanced and coherent representation of the Parishes in the States Chamber. I think to make the kind of changes the States have made in the past with their constitution ... and, again, if one looks back through history, these changes have been made incrementally. They have not been made in a sweeping way. So I think that while one understands the frustrations sometimes that people fill the Constables and the States until a case is made that they must be removed, it is really quite premature for the Constable of St. Clement to be bringing this amendment and I would urge him to spend a few more years on the Committee of Constables and see whether his views do not mellow with time.

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

Could I ask for a point of clarification from the speaker? Just I apologise if I am wrong but I do believe the Constable of St. Helier spoke for my amendment. I am not sure which way he voted in the end. But it just seemed a bit inconsistent with what he has just said. So perhaps he could clarify that.

### **The Connétable of St. Helier:**

I supported the reduction of the number of Deputies.

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

I do not really know where to start but I think I will start with the speech of Deputy Maçon yesterday where he inferred that the Constables were the administrators of the Parish and should remain in the administration of the Parish. Now, I think basically there is the old saying of: "The Constable is the father of the Parish." I think being the father infers that there is family and I certainly do not feel myself to be the father of the photocopiers or the P.C.s (personal computers). No, I think that Deputy Maçon should perhaps ask his Constable whether he could sit in the Constable's office for half a day or so and see the actual involvement of the Constables with the people of the Parish because it is all people and it is the family of the Parish that the Constable is father of. Now, the Constable of St. Clement seeks to create a Constable second class. I should say, first of all, that the Constables are responsible for administration and the Constables do issue driving licences, firearms licences, alcohol licences, choses publiques and Sunday trading permits, apart from being responsible for the Parish rates on the Island-wide rate. Now, the second class of Constable that the Constable of St. Clement seeks to create is going to be an extreme handicap because there are issues with these administrative responsibilities. The issues, for instance, might be such as a future hypothetical Constables Committee meeting where there are a few non-States Member Constables talking to the States Member Constables, saying: "Well, what is happening about the new firearms law? What is going to happen about the new Sunday trading law?" Everything is going to be passed down by second hand. The Constables' place in the States is basically to make sure that these new bits of legislation work. Now, it is so really unpractical to even consider a second class of Constable. The Constable of St. Clement says that there are people in his Parish who would like to be Constables but would not wish to sit in the States. Now, there may be. But do you think that the voters of St. Clement are going to let them away with that? No, they will not. They will not accept a second class of Constable being Constable to their Parish. It is as simple as that. I think you might gather that I am not going to be supporting this proposition.

### **1.3 Senator B.I. Le Marquand:**

I am going to be unusually conservative, with a very small "c" in this series of debates. I am going to set out my approach towards all of the debate, so I hope that Members will listen very carefully because I may only state it once. I am going to vote against all changes except for the 4-year term for all. The reasons why I am going to vote against all the changes other than that is because I am pro a number of things. Firstly, I am pro community life. If you see things appearing in business plans or other things which refer to "community life", you may guess that I may have had something to do with that because I am very pro community life. We do not live as individuals separate from others. Community life is very important indeed. I see the Parish system as being an important part of community life in this Island. That means that I am pro any system which supports the Parish system and the support links with the Parish system. For this reason it is important that the Connétables remain in the States. If the Connétables are not in the States, then those links will be weakened further. I do not want to go down the road which Guernsey has taken, which has repeatedly weakened the links with the Parishes, with the consequential results to that. I do not accept the idea that some Connétables could be in the States and some not, without damage to the system. The Connétable of St. Helier has eloquently explained various reasons for that. But I have other reasons. If a Connétable is not in the States, then who will represent the Parish view to the States? A tension will inevitably grow up and be set up between those representing the Parish as Deputies and the Connétable, who is not present to fight in his own corner. Secondly, my

support of the Parish system also extends to keeping the links between Deputies and their Parishes. This is a strength of Senator Norman's proposal and a weakness of P.P.C's (Privileges and Procedures Committee) proposal, which creates what I might describe in some cases as amorphous knots of Parishes put together willy nilly, among others, of course, 5 country Parishes, each of which have a very definite individual identity, and St. Martin's with St. Saviour's. I really cannot understand that one. Anyway, there are also problems, of course, other problems, but I will not go on in relation to that. Thirdly, I support the maintenance of an Island-wide mandate. I believe that there is popular support for that and for good reasons. Senators are generally freed from the responsibility of constituency issues. Many of the Members of this House are going to pick me to death, but these are excellent constituency Members who do a great deal of work for the individual Parishes or areas. I do not have to take on that responsibility. I am freed in order to play the role of Minister. But others who are Senators and who are not Ministers are free to play another important role, which is the role of raising and pursuing major issues which have Island-wide importance from outside of the Council of Ministers. Ideally, the majority of Ministers should come from the ranks of the Senators, having an Island-wide mandate. That, of course, requires people of the right calibre to stand, the electorate to back them and this House to recognise their potential. Now, in a moment I am going to ask the Members of this House to consider my own case. Many of you may, of course, feel that my being Home Affairs Minister is a big mistake. I hope not. **[Approbation]** I thank certain Members for their approbation. But if you think about it, would it have been possible for somebody who had not been in the political ranks to have come straight in as a Minister if I had not gone through the ordeal of standing on an Island-wide basis and being affirmed on that basis? Similarly, the same thing happened to my colleague to my right, Senator Cohen, who went through the same route. It seems to me an important way of testing people's popularity and therefore potentially their suitability for ministerial office, although, of course, not all who are popular are suitable for ministerial office. Ministers should not, in my opinion, be put in the position which makes them at risk of being held to ransom by making decisions which are in the best interests of the Island but are not popular at their local level. Furthermore, Ministers should not be put at risk of being penalised for the fact that their local constituency feels that they are ignoring them because they have spent themselves and all their energies on Island-wide issues and have not had time to play the role of local representative. During the hustings I also suggested that there was another potential bonus of keeping an Island-wide mandate if coupled together with a 4-year term for all. I accept that this is an imperfect proposal but nevertheless I think it has some value. That is this: that for the first time we could see the serious candidates for the role of Chief Minister facing off against each other on an Island-wide basis. Now, that would at least give to the Members of the States who make the ultimate decision in relation to that role, an opportunity to see that the person had been tested, and, indeed, they had been tested against each other, to a degree. It is an imperfect system but nevertheless I believe that some value. So, logically I am against the amendment of the Connétable of St. Clement because it removes the Connétable and I am in favour of the Connétables staying in, and because it removes the Island-wide mandate.

#### **1.4 Connétable P.F.M. Hanning of St. Saviour:**

A lot of what I was going to say has been said very eloquently by the Connétable of St. Helier and the previous speaker, Senator Le Marquand. Yesterday Deputy Maçon made the point that we represent individuals, and he is right. Last night when I was at the Parish Hall I found myself dealing with a tragic case. I will not go into details. But that person came to me as a parishioner needing that help of the Constable. We are for the whole Parish and that is part of the job. I will be talking to the Minister concerned later in the day. There is no doubt in my mind whatsoever that I have a much better chance of resolving the problem by being a States Member, and that applies to a lot of the problems that we get as Connétables. You know the position entails work for the Parish, and States work. It is a lot of work but you know that when you stand and either you are prepared to do it or you are not. Under the system proposed by my good friend and neighbour, the Constable of St. Clement, and I suspect he will still be eating my sweets whichever way the vote goes, it is all

right for a Deputy to have 2 jobs. He can look after his constituents and be a Minister and run his department. But it is not all right for a Constable because we have to run the Parish and we therefore will not be able to look after our constituents. Most of the Connétables have business backgrounds or management backgrounds and they are perfectly capable of doing 2 jobs. It is not impossible. This amendment, I am afraid, is nonsense. We then have the problem of having to be elected twice: extra cost and disruption for the Parish and cost to the candidate. This will drive people away from being candidates. It will not encourage them to stand. As has already been said, we will end up with 2 classes. It is not going to work. The parishioners are not stupid. They are perfectly capable of deciding if a candidate is capable of doing the whole job, which includes being in the States. As I say, we will lose good candidates. We will not gain them. In the 12 Parishes, 9 of them have the same constituencies for both Connétable and Deputy. So you will have to stand twice. In the other 3, the Constables are elected by the whole Parish and arguably have a greater mandate and should be in the States. You will be asked to represent things and represent people who want the Parish represented as a whole, not just by district. In the past we have tried to raise voter turnout in a number of ways. We have tried more publicity, we have tried longer polling hours, we have lowered the voting age, and it has not worked. Yes, if we can have one election day, that might help. We then ruin the effect of this by forcing electors to turn up twice if their Constable is going to be in the States. They will feel that they are wasting their time. It is guaranteed to increase apathy. In the last election the highest polls were where there was an election for Constable. Again, what we are looking at now is guaranteed to reduce turnout. This will do damage to the Parish system and that is the very system that our parishioners say they want us to keep.

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

Well, after those last few speeches, I do not really know where to start. I am on P.P.C. and it was a sort of struggle to get where we are and I think at the end of the day we were all pragmatic and said the research had been done and this is what the people that replied wanted, and this may be some way of going to get some reform because, like many others, I have been here since Clothier. The biggest mistake, and everyone will admit it now, is bringing ministerial government in before we reformed the States itself because there is no appetite now and where is the power and who is backing the power? I am very sorry, I do agree with Deputy Le Hérissier there. People are fed up. But not the same people that attend Parish Hall Assemblies. We talk to different constituents, obviously. They are fed up with the system. They are fed up with what does look like a block vote, a block vote that normally also always favours what the Ministers are proposing. It may be just my perception but I think the Deputy of St. Martin has done total research on this and that is where we are. This second-class Constable business: I read the report of the Constable of St. Clement and he says that we should have 49 Deputies in the States. Now, the Parishes will keep a Constable. That is the job. I think when Deputy Maçon was speaking yesterday about the administration, he was not talking about computers to the Constable of St. Martin. He was talking about the very responsibility the Constable has and many times has to put before States in dealing with their Parish. That is what they do. They do it. Many of them may be not here in a few days' time because they are at the branchage. They have to be there. I fully understand that. That is a Parish commitment that a Constable makes. As a mother and father of the House, that is the job. The administration, the licensing, in charge of the Honorary Police - totally respect that. That does not mean ... and I think the Constable of St. Helier - and we very rarely disagree - put it into words when he said: "We cannot even go back to when the Constables were elected to the States." That says it all to me. They have not kept up with the pace of change that is in the community. Why is it impossible in an Island this large to not have 12 Parishes where the Constable administrates to his Parish? Let us get the jobs completely separate. If he wants to be a States Member he stands as a Deputy - totally different job. Not doing 2 jobs. It is clear in this proposition it is a totally different job and I respect the difference. To say that just because the Committee of Constables, some may be Deputies would not work, I am told that when the Committee of Constables meet they do not

discuss States voting, they do not discuss propositions. I am told they discuss things that go across all Parishes. Well, I hope next on the agenda is the police in the Parishes because I want more police from all the Island honoraries in St. Helier and I will be bringing a proposition. I would just like to make a comment, and he is sadly not in the House, of what Senator Le Marquand has just said. He is not going to support anything but the 4-year term. Well, will that not go down lovely outside? He has already said this week that he has dropped a lot of money to take this job - £1,000 is neither here nor there - "But I am going to vote for another year for everyone in the States. Guarantee your job for 4 years. But no other changes." So out of touch with the people that I talk to. Obviously different people the Constable of Trinity speaks to because the Constable of Trinity tells me: everyone he speaks to in his Parish Hall - and obviously meets ... he knows a lot of people in his Parish, a very small Parish, and the people above [**Members: Oh!**] ... a lovely Parish, if you can afford to live in it, obviously. [**Laughter**] Yes, lovely Parish if you can afford to live in it. Senator Le Marquand goes on to make up another reason why he will support 4 years, but he will also support the Island-wide mandate staying. Of course people will stand for the Island-wide mandate because possibly then that would give him a better chance to be a Minister. It is not written in any proposition we are going to see. It is not written in the proposition of P.P.C. It is not written in Deputy Le Fondré's proposition. It is just something that Senator Le Marquand thinks may entice someone to stay as a Senator and do a 4-year term. Again, he is not even in most people's world in this room because why would you? Why would you go to the expense of an Island-wide for a 4-year term unless it would be linked to a Minister? So we need another proposition somewhere. So I have to discount his view of where we are. So, I could not vote for that. If nothing else goes through I cannot vote for a 4-year term because, again, it would be seen as: "Oh, well, we do not know about us. We do not know if we have got a job next year. But you have just voted job security. My job is now 3 years. All right, it may mean a few Senators dropping a couple of years but I still believe that if you can do a quick U-turn from G.S.T. (Goods and Services Tax) from the election platform last year to say: "Oh, well, no, I will definitely stand down so I can do a 4-year term," I need to see that one as well because I very much doubt it. We can all hear the excuses. I think I have really said what I want to say. To me it is 2 completely separate jobs. I am not saying none of the Constables could do both the jobs. They are different jobs. But we are mixing this up. They will be elected as a Deputy in the States. That will be, to me, their first role. If they fit in, they take the oath of office. If they want to be a Constable in the Parish, the Parish system will be strengthened and it will be their first job. That is what they will do. So I really cannot see the problem. I know the Constables may think I am being anti-Constable but it is about everybody being equal. I do know one Constable is a Minister and I do not whether his Parish is suffering or the parishioners think they are suffering because I know, by being an Assistant Minister how hard the Deputy of Trinity works as a Minister and I cannot see how the Constable could do that job, the hours that they put in. We know it is a very stressful department at the moment. But there are hours that are put in. Then there is the States work on top. The Ministry is the States work.

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

On a point of clarification, Sir, I would just like to point out that I have a very good Assistant Minister. [**Laughter**]

**Deputy J.A. Martin:**

I think that says it all. I mean, really, the Minister telling me ... and there are a few of them that have come to light in the emails today that, you know, it is delegated to your Assistant Minister and let us go and do a bit of whatever. Obviously the Constable is doing Parish work. Other Ministers, I would like to know what work they are doing, if they are all delegated to their assistants. But what I am saying ... no, I think the Constable said it all there. He delegates most of his ministerial work. [**Members: Oh!**] I am sorry. Did anybody not hear that? Sorry, yes, he has a very good Assistant Minister that obviously he helps him out when he has to be on Parish duties. So, the



more we go around, we can see that the Constables are going to have a block vote. I am glad you called me, Sir, to speak now because I know there is another 8 to go and it will be the first time they have all spoken and I would just like to say I really believe that we are going to go nowhere. I will go with this. I am on P.P.C. We do have a free vote. It does not mean I think the compromise will be the P.P.C's proposition and only realistic way for change. If this does not happen, I have said to the chairman of P.P.C: "It is not for us to do any more work. It is down to the States." We will be exactly where we are in 3 years and you can go to your parishioners and ask your constituents for a vote, the problem being we will be in exactly the same position where many people ... and they are elected by 10 people signing their nomination paper. To me, that is not representative of the Island and there are many people out there who do not like it and I am certainly also one of those people.

### **1.6 Deputy P.J. Rondel of St. John:**

In my 40 years within the honorary system in one capacity or another, when I first joined, the Chef de Police would sit in the States in the absence of the Connétable and that was removed in the late 70s, unfortunately, because that link, when we had somebody who was ill, a Connétable ... fortunately it does not happen these days but at that time a Connétable could have been off for a considerable period of time. That link remained within the Chamber, that you had a member of the municipality, in that case, the Chef de Police, who could be up to speed or get up to speed on exactly what was going on in the States. If you take Members or Connétables out of that link now, I think the Island would become a lesser place. As the Connétable of St. Helier mentioned Guernsey recently, yesterday on the radio I heard the Chief Minister of Guernsey referring to the poor state of government that they have over there at the moment and that if things do not change within the next months they will have to call for another view. They did away with their Connétables in the House and had this system proposed where you can become a Deputy and a Connétable. There are one or 2 and it was referred to earlier who are Deputies and Connétables. But they are few and far between. The system obviously does not work as well as it should and I would not want to see any more erosion of the honorary system that we have in the Island, although nowadays the Connétables are paid but every other office is not. I would not like to see a 2-tier system of Connétables, because, as has been said, you would have problems in communications of those non-Members who are not in the House. When I first joined the States in 1994 I came in and I was not sure whether or not the Connétables should be in the House. But I can assure Members, within 6 months I saw the common sense approach that came out of the Connétables' benches and a lot of the hotheads that we have when we are all new in the House; we had all got a lot of new ideas, they brought the common sense to bear in any vote. Yes, they may have voted at time *en bloc*. That was very, very rare. But I think in general the vote, in fact, would have been 40 to 10 or 40 to 13. So the law of averages: the common sense came into play anyway. But we used to chuckle occasionally when the 12 votes went in one direction. I would hate to think that would stop because they are wise people. They do know what goes on within their Parishes. I understand where Connétable Norman is coming from in his proposition. But I still think it would create problems by having a 2-tier system. Within that, and if I can just wander slightly into the main proposition, which I have got real concerns about: the wards. I have a worry that like in the 6 Parishes that would be put into the ward that covers St. John's, for instance, and St. Ouen's and St. Mary's and Trinity and St. Lawrence, 6 of those Deputies, in fact, 5 of them are covering those areas at the moment. We have 2 Ministers, we have 2 Assistant Ministers, we have one chairman of a panel and one other Member. Now, all of those Members, including the one other Member, are highly active. I think we would have real problems under any new system. I can imagine myself going to see constituents at Bel Royal at 8.00 a.m. in the morning, Rozel at 9.00 a.m., Grève de Lecq at 11.00 a.m. and Five-Mile Road at 12.00 p.m., and, not knowing these people ... at least within the current system I know my Parish; I can get around it if need be on a pushbike - probably not today with my back but most days - and you get to know your people and get the feel of what they require. But the requirements of, shall we say, Bel Royal, when you are a Deputy, are totally

different to the requirements of Vinchelez in St. Ouen or Rozel or Sion. The requirements are totally different. So, yes, if you want to go for an Island-wide mandate as has been explained by Senator Le Marquand, you gear yourself up to do an Island-wide mandate. But to do a ward, of which something like 25 square miles, in my case it would be, which is over 50 per cent of the Island, would be in the hands of your half a dozen Deputies. I think that is of concern. I am not one for change on this particular amendment and I will not be supporting the main proposition because of the way it has been pulled together. Secondly, I was told several months ago when I brought my amendment to the House, that the House was fed up ... well, not in quite those words ... but they were fed up with government reform. The Island had had enough. The States had had enough. Yet within 3 months I see the P.P.C. Committee doing exactly that, when, in fact, they told me: "Do not come back for 18 months." They do it within 3 months. So, really, coming with a government reform within such a short period time after bringing my amendment, my report and proposition to the House, and I see the Constable nodding her head then shaking her head ... sorry. That is what she told me: "Wait 18 months before bringing anything back to the House." I am not giving way. I have concerns that P.P.C, bringing such a weak report and proposition together, knowing full well that it is going to be thrown out, I would be minded just to put a knife across the report and proposition when the time comes and move on to the next item because I think the P.P.C. will be lucky to get 15 votes out of that particular report and proposition. But I think I have said sufficient, so I will sit down.

**Connétable G.F. Butcher of St. John:**

Can I just raise a point of clarification? During the Deputy's speech he stated that the Constables are paid. That is quite right. The Constables are paid for their States work. They are not paid separately and in addition for their Parishes' work.

**1.7 Deputy T.M. Pitman:**

I have to say I really appreciate the last few speeches because when I started yesterday on my amendment all I asked was that we would try and be constructive and if we found flaws in various things then let us at least criticise them and recognise them for what they are: moves to try and improve the system. I thought we went that way yesterday. We have certainly gone that way today. I might not agree with everything the Constable of St. Helier said or the Constables of St. Saviour or St. Martin, but I respect their views and I think that is the way it should be. I mention that because the last 2 instances yesterday, I have to say, with the Constable of St. Mary and Grouville, I felt that disappeared. I really think: "Yes, we saw a bit of fear coming in." I have to say what came across is: "Yes, vested interests." Well, the Constable has had his say so I think I will have mine. The Constable of Grouville seemed to get very excited and he seemed to think this was a J.D.A. (Jersey Democratic Alliance) proposition. Well, I can tell you that the Constable of St. Clement, good bloke as he is, if he was a beer, he would not even be 'J.D.A. light'. But he has brought this in good faith. So I am not quite sure where the link is for the Constable of Grouville. But there we go. He likes to have a pop at anyone who is not of the right, I think. But it was really the Constable of St. Mary in some of the things, and we are all entitled to our views. I really wish I was a gambling man but I was not brought up that way because I would have gone down to Honest Nev, and if I had put all my savings, which is not much, on no change going through, I could probably retire, I think, by the end of the week. But the speeches today have been really good because the Constables ... and, I have to say, it is nice to hear more of the Constables because you must admit you do not often hear from all of them ... some of them. But I really just want to take up a few issues with the Constable of St. Mary. I think it has been a real danger that a lot of people have sort of strayed into the main debate today, so I do not really want to do that. But the Constable of St. Mary seemed to imply about Deputies that we did not really play a Parish role. Well, I think the Parish, really, at the bottom is nothing but people. I can say that my involvement with people who come about problems about their road or their heating or other issues of their housing or social problems, I am happy that that input and portfolio that I have easily matches the

Constable of St. Mary, very easily. The Constable also had a little dig about the Constables - justification, it seemed to be, that had a vested interest because they live in the Parish. Well, I tell you, Jersey is roughly 9 by 5. I lived in St. Helier for many years. I moved and when I did because, let us be honest, if you wanted to get on the property ladder and move up, because successive governments have failed miserably to ensure realistic housing prices for people, I had to move then for that reason. So it is very strange how these things sometimes get mentioned because she made reference to me, as the Deputy would understand. I remember for many years Senator Le Main being a representative of St. Helier No. 2, very strange, because at the time ... and I think he still lives in my uncle's former house down at Maupertuis Lane at St. Clement. I do not think that him having an interest in those people that he was elected to serve. It is funny how it is mentioned sometimes, that vested interest about service. I think mine, again, goes back a lot longer than the Constable of St. Mary's. I can measure the people I have helped in the community - and it is not about brownie points - not in 10s, 20s, but in 4 figures. It is about a commitment. There are many people who do not live in their district. But I would not question their commitment, whether I agree with their politics or not. This is the kind of red herring that we seem to always get. We are talking about weakening the Parish system. Well, I do not think the Constable of St. Clement's proposition does that. If a proposition does it, then it is P.P.C's with a super constituency. You can make statistics, as we all know, mean whatever you want. We have heard about Guernsey. Well, it is a funny thing, is it not, that Guernsey's voter turnout has gone up. So what is more important: the Parish link or democracy? I am not saying Guernsey is perfect, even as a half-donkey. But it is a fact. Their voter turnout has gone up. So, clearly, whatever their thoughts for their government, the people are more engaged. Has it been the death knell for the Parish system? Well, not from what I know of Guernsey, it has not. There are going to be flaws in all these systems. We all know that. I think we are putting thoughts in the Constable of St. Clement's plan that are not there. Why brand him a maverick, as was said yesterday. He has put this forward in good faith. I think most of us - well, perhaps not - agree that there needs to be a reduction in Members. One of the reasons I did it was because, quite frankly, there are between 6 and 10 people in this House who do absolutely nothing. All very clear. They play no full role in the Executive, play no full role on Scrutiny. Quite frankly, that makes me sick. I tell you, many of the public who I speak to, that makes them really angry. If only the media were brave enough to highlight those peoples. I am not talking about sitting on a little sub-panel now and again to look good. I fully accept that one or 2 people who are not on Scrutiny or Executive, they do contribute a lot. But some people, I do not know what they do. It seems all they want to do is get their name in the paper. That is not what government is about.

### **The Connétable of St. Brelade:**

If the Deputy would just give way. Is he referring to the Constables as among those who do not contribute to the States workings?

### **Deputy T.M. Pitman:**

I am not attacking the Constables per se. I am mentioning there are a lot of people in this House and I am happy to clarify that. There are Constables who play a very full role. Yes, the Constable of St. Clement ... I have got my own Constable ... plays a major role in Island life and all power to him. I do not agree with everything he says or does. I agree with a lot. But let us not look for flaws in this plan that are not there. We have heard some really warped reasoning. Senator Le Marquand, I have got a lot of respect for Senator Le Marquand, but he made a big spiel about the Island-wide mandate, which I support and wish it could happen to all of us if we could find a system that worked that way. But he talked about putting yourself forward to see if you could pass that popularity test to see if you were suitable for a top job. Then in the next breath he said: "Well, of course, not all people are suitable." Well, who decides that? The public, who have given their support for the people in here: 53 Members? What we really need is a direct vote for the Chief Minister. That is what the public do want. I will tell you: Deputy Tadier mentioned in the meeting

at Fort Regent the other day: I think 12 of us went. I do not think I saw any Constables there. But then they were not the only ones. I tell you: what did the public say? They were angry at us, the J.D.A, Deputy Tadier, Deputy Wimberley. They said: "We want these people out. They have been there for years and do not listen." What are we going to go again today? We are not going to listen. We are going to follow vested interest. The Constable of St. Clement's amendment is not perfect. But it does protect that Parish link. Put in the Constable of my Parish, who really tried to set up obstacles. That is what we do so often in the States. We look for obstacles instead of ways that we could get round things and make them better. We look for reasons not to do things. Deputy Martin has already touched on it. It was a huge mistake after Clothier. I honestly do not think any reform will ever happen, ever. I do think in that, we are failing. I said I found value in all propositions to some degree. I have to say the worst, but I will not go into that in length, is the P.P.C's. I think that will weaken the Parish system. If ever a flawed programme had been thought up which could be argued to be a vested interest, then that is it. I think that would be very unlikely to get passed. I think we are probably going to spend 2 days to achieve nothing. All I would say to Members is do not listen to the horror stories. It has not brought the destruction of Guernsey, much as some people here might like it. Removal of the Constables will not bring the end of civilisation either. Yes, listen to some of the speeches we have had today from some of the Constables. You might not have agreed with them but at least those views have been expressed genuinely. Do not follow the Constable of St. Mary and Grouville into the valley of the dinosaurs, into the grazing of the garden of hearing nothing, seeing nothing. I will not say "doing nothing" because I know some of them do. This amendment is worth supporting. It will not destroy the Island. I think it is probably the best that is on offer. But super constituencies, I can live with that because the J.D.A. will absolutely flourish; we are now. Thank you.

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

A new year, a new States Assembly, a new Bailiff, a retiring Chief Usher and some new ushers and possibly maybe because some new ushers are present that they have expected the throng of the public to attend, we have got spare chairs in the balcony for this debate today. New thinking. We have been here many times before but I think one of the most predicable things heading into this debate was the expectation that the message ... and it is important to be on the message if you are in the States and you want to get ahead ... the message is: let us kill this, let us bury it and let us get on with doing what we want to do. The vast majority of the public are dissatisfied with the democracy in the Island. They do not really give 2 hoots about what we call ourselves or what we do with ourselves. I would just like to touch upon what I am doing, just very briefly, because I am one of the Members who is possibly doing less than others, and why am I doing it? I sit on the Planning Applications Panel, I try as hard as I can to bring private members' bills that I think are generally in the best interests of the public, I put myself forward for ... I would like to address this to Deputy Trevor Pitman so he can remember next time he is putting the speech across of his about what Members do - I did put myself forwards for Health Minister. I did not get many votes that day. **[Laughter]** I think I got my own, yes. I cannot be sure of that but ... It was a secret vote so I am not allowed to ... **[Laughter]** I also put myself forward for the Head of Overseas Aid as well, so I did put myself forward and I did put myself forwards for the head of Scrutiny for the Health and Social Services Department. I was unsuccessful in getting any of those positions. I have served on Shadow Scrutiny, I have served on the Environment Scrutiny Panel, I have served on I think 7 or 8 committees, 2 special committees and I have been a Senator, I have been a Deputy and I am back as a Deputy. I have had a pretty good taste about what the public wants in terms of electoral reform and I have had a pretty good sounding in relation to what the public wants and I have been around ...

### **The Bailiff:**

One moment, Deputy, I am advised we are not a quorate ... I think we are all right now. We are at the bare minimum of 27 now.

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

It is good to see the Constables are making up the vast majority so if we get rid of them what are we going to do? **[Approbation]** You see and that is the point really that it is about what we do in here and what we do out there rather than what we choose to call ourselves and what we choose to be doing in government. The problem I feel is we have had a complete change and a new system has been introduced in the form of ministerial government. Many of the past analysis and many of the past arguments in terms of what the public wanted went out of the window when we decided to cherry pick Clothier. That is the one thing that Clothier said not to do, if you are going to do anything, do not cherry pick; either do it all or not do anything. I preferred the latter because I did not agree with Clothier. It was interesting because at the time I was phoned by a couple of Deputies who were quite rampant about the support they had for Clothier, which quickly went out the window when they became Senators. The overall message from the public, and I do not believe it has faded, was that they wanted an all Island-wide mandate. The overall message from the public and I do not believe it has faded, was they wanted the Constables in the States of Jersey, and I do not believe that has faded. The other important message that they said they wanted was a reduction in the number of States Members. We have not looked at reducing Deputies and possibly in the future that might be an option, but the public want large electoral districts, i.e. Island-wide and Parish-wide where they can have an effective say in who represents them, and in a shorter period of time as possible if they are unhappy with what they have done or if they have broken their promises, have the opportunity to find somebody else to take over. I applaud the work the Constables do in the community. In fact, if you think about Jersey there is a lot of the community that springs from the Parishes. Now some people may not like that. Well, they will have to live within it because that is Jersey and they will have to live around it and they are entitled to but they are not entitled to destroy it and I think that sometimes we rush forwards with these reforms because somebody has been brought in to hold a review that will introduce something that will have a political thrust behind it that will deliver political aims and objectives and trash our traditions behind it. Clothier was brought in on the back of local government reform in the United Kingdom; it is pretty much exactly a carbon copy of the local government reforms in the U.K. (United Kingdom). It is pretty much what happened in Guernsey. I have seen the European Union maps that are issued from London where the Channel Islands are the same colour as the West Coast of England and branched in with that is a local council and the plans of the European Union. The European Union is an ever growing, continually growing body that moves towards being a super state. It has all over power pretty much within the grander scheme of things and it is having an effect and a greater effect on us every single day. There are now calls for evidence in the United Kingdom about what represents good governance. At the same time, we have Mr. Straw conducting his review. We have a number of reviews that continually come around from the O.E.C.D. (Organisation for Economic Co-operation and Development) and the European Union and the Financial Action Taskforce that put us on our toes and keep us on our toes. In fact, we pretty much do not seem to be doing anything else but standing on parade. Standing on parade is good for one thing but it certainly does not make you effective. It just makes you look good on a sunny day and pathetic on a rainy one. There are issues with the Constables; I will just touch upon them very briefly because this is what I hear and I would like to let Members know that I share this view. The Constables are still responsible for the Honorary Police. I think that has got to stop. I think somehow some form of mechanism has to come in to remove the role that is associated with the Constable in the minds of the public with the Honorary Police. If the Constable is unable to fill the ranks of the Honorary Police, they can be taken to the court and fined by Her Majesty's Attorney General. Her Majesty's Attorney General gives advice to the Council of Ministers and will not share that with those outside the Executive and most recently **[Interruption]** ... I beg your pardon, I am being corrected. Her Majesty's Attorney General does not fine the Parish, it is the court. Her Majesty's Attorney General is just a prosecution for the court. There is a difference and it is a real difference, whether or not it is admitted, towards Her Majesty's Attorney General from the Constables' benches. It also happens to be a seat at the Council of Ministers for the head or his

replacement or replacements of the Constables. We currently have very many different tiers of access to information and responsibility and the ability to go out there and get re-elected or even want to go out there and get re-elected, to ask and to tell the public what you want to do when you have extremely marginal chances of doing that in the current political make-up of this Island, because the current political make up of this Island which is Right-wing flourishes in a police state. It flourishes in a state where politicians, Constables, Senators and Deputies, who have files upon them collated by the police, it flourishes in a police state where those political representatives in the Parishes are associated with being responsible for the Honorary Police. That is what gripes a lot of people in the public. It annoys them. It makes them angry and they do not like it. That has got nothing to do with the Battle of Flowers. It has got nothing to do with the welfare system, and let us go on to the welfare system. When we talk about constituents contacting Members, I recently had a member of the Polish community contact me who had a varicose vein operation go wrong. He has only been in the Island for 4 years. He cannot get any welfare because he has not been in the Island long enough. He cannot return home to get the support which he needs because he is going to sue the States for the botched operation and he does not know which way to turn. So he is stuck in Jersey with an ever-increasingly difficult task in front of him and he does not know where to go. Now the Constable could take him and plead for the Minister, which I have asked for and applauded on many times when Senator Routier introduced it, that exemption where the Minister can make the decision to decide upon himself and Social Security that he wants to do something, he can do it. It should also be involved with other aspects of Social Security Law, but that ability to make a difference and that ability to say: "Right, okay, I am authorised by the States to make my own decision in certain cases." That is extremely important and fortunately if somebody like that comes to a Deputy or comes to a Constable or comes to a Senator, we can then go to the Minister who happens to be a Deputy and thank God we can get help for that individual but he certainly does not have to go to the Constables anymore. The Constable's role in that regard has been removed, diminished. I am hearing no ... the Constables can go ... I will ask the question because the Constables are having a private debate with me here as I am standing, can they ... I will ask the Constables through the Chair, Sir, maybe one of the Constables could clarify for me, can the Constables issue money on a welfare basis to an individual if they approach the Parish? They can? What is the budget from that, where does it come from? Emergency ...I stand corrected. They have an emergency fund; that is good news. A charitable fund so they can go to the Constable who now has a charitable fund. They could also go to charities. Let us just recap what I was saying. The parishioners of Jersey do not like the way that the Right-wing element of Jersey's political spectrum has utilised the ministerial system and the association with the Constables through the deference to the establishment to formulate governments and move it in a direction that suits their political agenda. That is what it is about. That is what they are dissatisfied with. They are not dissatisfied with Deputies, they are not dissatisfied with Constables and they are not dissatisfied with Senators. I constantly had when I was a Senator, people saying to me: "Are you still a Centenier?" "No, a Senator." It did not make any difference to them. People still have no idea, no inkling, and we are starting to improve it through the schools, what the political system is about in Jersey. What we do know is I am good for a laugh and, you know, a criticism of long speeches and long size. What we do know though is that reality that I have just spoken about, the political make up and the way that this States structure is assembled within a ministerial system, it favours the political elite and it is favouring them in the vast view of the majority of Islanders to their detriment in many cases. I also, like Deputy Martin of St. Helier, will not vote for a 4-year term if none of this goes through because I was at that meeting at Fort Regent when I listened to the teachers and I listened to the nurses and I listened to the ambulance staff and I listened to the fire fighters, fire fighters who risked their lives on a daily basis, saying they were ashamed to work for the States of Jersey. How bad is that? I listened to the civil service and I listened to what they said and they all said the same thing, we froze their pay which was a pay cut effectively. We told them they could not enter negotiations with any opportunity to discuss pay while we put £1,000 into our own pockets. Senator Le Main is asking me who I am donating my £1,000 to. I am donating my £1,000

to the Jersey Association of Charities. I spoke to the Jersey Association of Charities' chairman yesterday; we are arranging for that to happen. He has already been pledged it. I have already told him there are no conditions on it and I have really said if other States Members who already have not given that sort of money to charity privately, they may wish to do the same sort of thing. That is up to them. Voting turnout in Guernsey has increased because there has been political reform. One thing they did say though is they did not like the fact that the all Island-wide mandate disappeared. The Senators bring a valuable role and an important role to the legitimacy of our self-governance in this Island. For any proposition to come forward today and get rid of Constables and Senators and put it before the public, is putting personal agendas before the Island in my view. The Constables need to remain in the States. The Island-wide mandate if it is going to go needs to be considered in tandem with whether or not some of the Deputies ranks need to be reduced because the public want a reduction in States Members; a reduction in these sorts of debates and that just about says it all. I do not want to sit down before I have just quickly gone over my notes to make sure I have not missed something because that was not an easy speech to deliver among people that I respect but I am trying to put across the political reality. In my view, and in many people's views in the Island, it is not worth bothering to vote most of the time because most of the time the States of Jersey does not listen because unfortunately unless you are in the political elite and the Island's elite, it is only serving the vast majority of those people's causes. The vast majority of ordinary people are unable to get their foot on the property ladder while buy-to-let runs rampant. We have increasing electricity prices, increasing water prices, increasing everything prices. The pay freezes on public sector staff who are not even allowed to negotiate that issue and a States Assembly that is not only about to kill off any real political reform but most likely, and that is the message, kill everything else, give ourselves 4 years more. I certainly will not supporting 4 years more if nothing has changed today.

**Deputy T.M. Pitman:**

Sir, can I seek your clarification or possibly P.P.C.'s on the last speech on an element of it?

**The Bailiff:**

What is your question then?

**Deputy T.M. Pitman:**

I really enjoyed Deputy Le Claire's speech but he made reference to some of the posts he applied for. I just wondered is there hidden anywhere in Standing Orders any little clause that says you have to be loved to apply for a role in Scrutiny because I am not aware of it but ...

**The Bailiff:**

I am sorry that was not to seek clarification. If Members want to seek clarification I expect it to be a genuine point of clarification, not a comment.

**1.9 Senator S.C. Ferguson:**

In reference to Deputy Le Claire's comments about the public complaining that the States do not listen, there is a balancing act there. Do you follow every whim and wind of opinion, or do you do what is best for the Island and the population as a whole and not just one section of the community? I leave you to think about that; that is fairly philosophical. As regards the Constable of St. Helier, interestingly St. Brelade's have just started a geriatric division of Constable's officers - I am sorry the Constable is not here - to do Honorary Police work during the day and I am sure the St. Helier Honorary Police would welcome his addition to the ranks when he gives up his Connétable. Deputy Martin disagrees with the current format of ministerial government. I hear siren voices saying let us follow the Guernsey mode. Well, I recommend that everyone reads the Welsh Audit Board report on Guernsey. There are very serious concerns about the state of corporate governance in Guernsey and I wonder if the high turnout might well be connected to that. The Deputy also mentioned block votes. Well, if you look at the voting in the House, it is not just the more

conservative elements who vote together. There is a block vote of about 14 or so on the Deputies benches. I would also suggest that the Deputy spends time on patrol with a Parish such as St. Brellade to get a feel for what the Honorary Police do before trying to rearrange their jobs for them. Deputy Le Claire talked at length about the meeting of the union on Monday. I was there too but I sat at the back so I could talk to people. The Deputy of St. Mary has talked about the good of the Island. I think it is more important to take into account what the voters think. I mean let me tell you what my voters have been saying to me, very much along the lines of Deputy Le Hérisier: "For goodness sake, stop contemplating your navels and get on with the more important business of dealing with the economy and the probable structural deficit." I would have said in the words of the inimitable Guy De Faye: "This really feels as if we are just rearranging the deck chairs on the Titanic." I apologise if I fall over into the main debate, but the proposals that have all been put before us are not cheap. We are operating with a pay freeze and we are proposing to spend money unnecessarily. My problem is that each of the options has an aspect that my constituents like but has aspects they hate. As the Dean would say, it is like the Curate's egg, good in parts. Let us consider some of the options: large constituencies. Others who have said and it is a feeling in the Island that if we want to kill the Parish system, go for large constituencies. When the overall tendency and wishes of people generally, not just in this Island, are for more localisation and less centralisation, pushing power out to the districts, we are centralising. People are demanding the local connections. Remove the Connétable: I could not tell you what my constituents are saying, it is quite unprintable. All elections on one day: easy, cheap and agreeable to everyone. I would add one rider: make it a weekend so we can all vote easily. Obviously, like Senator Le Marquand, I support the all-Island mandate. It certainly frees me to pursue the improvement of financial management among other things. In fact, what my voters said when I stood was: "Well, you have served your apprenticeship, you know, go on for the promotion." The Senatorial elections get a 50 per cent turnout, but the Deputies elections have a significantly lower turnout; yes, we all know that. I wondered whether it was the fact that the public think Senators are more important **[Laughter]** and then I returned to reality and realised it was probably the result of a great deal more media hype and publicity for the Senatorials. If the Constables are elected on the same day as the Connétable of St. Mary says, then this also increases turnout ... I seem to have lost a note, I am sorry about that. So really, you know, it boils down to let us put it all in one day. **[Laughter]** As one member of the public said last week on Friday's meeting, at the moment I have 14 votes. Under the new system I will have 6 or 7 votes. *Cui bono?* Who benefits? Not me. That is what he said. We have heard a lot about Clothier and as Deputy Le Claire said, Clothier was a U.K. civil servant trying to impose a U.K. regional assembly solution on Jersey. Frankly, my constituents are fed up of people from outside the Island wanting to impose their solutions on us. They say we are Jersey and we want Jersey solutions and one of my less polite constituents reverted to the old adage: "If you do not like our quaint Jersey ways, there is a boat in the morning." I have mentioned one election day. Let us do that one first. If the turnout increases then that is the answer; Occam's razor, the simple solution. Corporate Services are to review procedures involved in preparation of the Strategic Plan and Business Plan. This does come into it. Once we have commented on this then we can look at having a general election day in the spring or summer. At the moment, there are collateral factors which we must take into account, like the States financial year, before we can change from the current timing in November. I would leave the Assembly with the words of an apocryphal Roman; I do not know whether he was really Roman or whether he really lived 900 years ago or what but Petronius Arbiter said: "I was to learn in life that we tend to meet any new situation by reorganising and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency and demoralisation", i.e. one election day, yes, which is covered in P.109. Apart from that, I have problems with all these suggestions.

#### **1.10 Deputy D.J. De Sousa:**

I was not going to speak but listening to the debate that is going on, it really saddens me because there is a lot of negativity going on about the proposition and the amendments and it does not look



as if we are going to get any change, and that is really sad. The previous speaker did mention Guernsey and the problems with governance there. There are also some problems with the governance of Jersey and the Treasury Minister did touch on that yesterday. The public do want things to change. We do need to listen and something needs to be done.

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

Like Senator Ferguson I too have a penchant for quoting. Today, I was in 2 minds whether to start quoting from John Rawls, the famous moral philosopher of the theory of justice or whether to just simply quote Elvis. **[Laughter]** I believe he came out with some very profound things albeit in song form. In fact, I will probably end up quoting both of them. The reason I lead with that is first of all we hear these phrases like “turkey voting for Christmas” and while Members think that it is common place, I think that is probably a very apt phrase, probably soon to be replaced by States Members voting for reform, albeit it a more common expression. The reason I ... I will quote Elvis as well. It makes me think of the song “Suspicious Minds” which starts off with: “We’re caught in a trap, I can’t walk out.” That is, I am sure, how many of us feel although some of us have walked out I am sure for valid reasons. He then continues later on in the song: “We can’t go on together with suspicious minds, and we can’t build our dreams on suspicious minds” something which I will revert to in a moment when talking about the one class of States Member which I think is one of the many strengths of Constable Len Norman’s proposition. Getting back to the whole area of turkeys voting for Christmas, there is a presumption that every States Member be they a Connétable, a Deputy or Senator - just as an aside I am always puzzled and I have had emailed correspondence as to why sometimes we refer to Connétales in the French and sometimes we call them Constables but we never use Sénateur or Député which is probably an anomaly, but not necessarily the worst anomaly of the Jersey system. We are all here to try and do the best for Jersey but how do we do that when we all have an inherent vested interest which may not even manifest itself consciously. I think the way to do it is probably to look at the philosophy and writings of John Rawls who talked about the original position in his theory of justice. I will just give you a brief outline because I think it is something that is very relevant to us States Members here today. Basically, his theory is designed ... I am quoting here, I can give the reference afterwards as I do not have it readily available: “It is designed to be a fair and impartial point of view and it is to be adopted in our reasoning about fundamental principles of justice. In taking up this point of view, we are to imagine ourselves in the position of free and equal persons who jointly agree upon and commit themselves to principles of social and political justice. The main distinguishing feature of the original position is the veil of ignorance. To ensure impartiality of judgment, the parties are deprived of all knowledge of their personal characteristics and social and historical circumstances. They do know of certain fundamental interests they all have plus general facts about psychology, economics, biology” et cetera, et cetera, and then it goes on to say how the parties would be presented with various options and then they have to choose based on the original position, so all things being equal, what would they choose. In many ways, there are direct parallels for many of these points that we are having to deal with today. What I am asking Members is to forget whether you are a Constable, a Deputy or a Senator - it is not easy to do but I am sure it is something we can do if we put our minds to it - and really think about what kind of system we would want if we had to design something from scratch. I know we are not doing that. We have, to a certain extent, to take into account tradition and the confines in which we work but it is nonetheless a good principle, an intellectual principle, to entertain. I want to, firstly, praise P.P.C. even though I am on it. **[Laughter]** I believe P.P.C. has come under a lot of unfair criticism and I think that what we have come up with certainly is a compromise and it will be interesting if it does go to the vote to see if the individual Members support it, but nonetheless I think it is a working proposition which we have all come to a consensus about. That said, it is not necessarily what each individual Member would like and we have already heard from Senator Le Marquand, but I will limit my comments on that particular proposition for the moment because we may be discussing it further later on. I think it is a working proposition; it has the benefits that it does keep the Parish link in the form of the

Constables but when I was reading through the amendments that came later, both from Deputy Trevor Pitman and Constable of St. Clements, I thought, wow, this is really good. This is something I would probably go for if only I had thought of that and also I thought personally I do not have a problem with super constituencies or the Parish system but I saw immediately that one of the strengths was that it kept the Parish system and the boundaries intact so it did not harm the integrity of the Parish structure that we all know and love. But on the other hand, it dealt with the very fundamental problems of uncontested elections and single seats and things like that. But then it struck me why it was such an excellent proposal because it is effectively Clothier, is it not? It is someone that we commissioned probably about 10 years ago now I guess to do a report for us because we decided it is not appropriate for States Members to decide their own future, much in the same way that States Members do not decide their own pay. We farm it out to an outside body because it is not the proper thing to be debating our own pay. Similarly, it was not the right thing to be debating the future of the States. We give it to an outside body presumably in the right spirit and we should accept what was said. Of course, we all know that never happened and that is why we are in the situation we have today. Interestingly, yesterday one of the Constables mentioned that Clothier, in a very dismissing way, that it is out of date. Well, of course it is out of date because we did not adopt it. We adopted certain parts of it. Had we adopted it, it certainly I think it would have been workable and I do not believe that just because it is 10 years old that we should dismiss it out of hand. I would also question the fact that just because it was commissioned by someone from the U.K. it undermines the validity of it. It was presumably the States of Jersey which commissioned it and they did that in good faith and I am sure the report was produced in good faith as well. So I thought this is really good stuff; it keeps the Parish system, certainly P.P.C.'s model has a chance of working but I thought if push came to shove and it went to referendum which it will, I think that this model is probably the one that has the most chance of winning. I think that is true. I think P.P.C.'s, while it is good and it may in other ways be my preference, I think you would have a hard time convincing the public of getting rid of the Parish boundaries although, of course, the Constables are put there as a sweetener. Earlier we heard from the Constable of St. Helier quoting about Balleine and referring to Philippe Baudains of 1886 and it was said that he was a very aggressive Constable, man of the people, and of course he was because in those times that is all you had. You did not have Deputies or Senators in those times I believe, although I may be wrong and I stand to be corrected, but the Constables were really the progressive ones of that time. You had the jurats and you had the rectors, I believe. So, of course, it is not anything surprising that the Constables should take on the mantra of the people, if you like, because that is what he was there to do. Similarly, nowadays it is the Deputies and Senators who do that and I am sure the Constables do it as well but I think simply saying that because the Constables is an old position, that is why we should keep it. There is a counter-argument which says that because it is the oldest position we have left, then surely that is the next one to get renewed and to get updated. That is one school of thought. Both propositions have the appeal, as I have mentioned, of keeping the Parish representation in one form or another. Because P.P.C. opted for the super constituencies it was necessary, it was thought, to keep the Constables in because there is an affection, and I believe quite rightly, for the Constables, but similarly the Constable of St. Clements ... I will get to this point because I find all these titles very confusing and I am sure the public do as well as we heard earlier, Sénateurs, Senators and all that but obviously that does not excuse my error so please forgive me - there is an affection for the Constables and this is something which has been witnessed by myself and my own family. I do not want to embarrass the Deputy of Trinity but I know that her mother did a very good job in St. Brelade for many years and I know that, unfortunately, at one point our family had a fire in our house and it completely gutted the lounge and we did go down to the Parish Hall and Constable Quenault at that time was very helpful, and I know that there have been similar praise for the Constables from parishioners I have spoken to. A little anecdote and I do not want to embarrass anyone too much: I was around talking to a constituent a couple of days ago on Monday and she said: "What is the name of that Constable in St. Brelade? I cannot remember the name, a very nice lady" and I said: "Oh, that would be

Constable Quenault.” She said: “Yes, that is right, a lovely lady.” So it is not to do with personalities and I know certainly that my experience as a States Member has been enriched by working alongside of the very good Constable of St. John on Scrutiny, and it is a shame that in some ways that maybe other Constables are not able to do more Scrutiny work because I am sure they are very busy people either in their Parishes or as Ministers in one case, but that is a separate issue. I also want to confront this myth of block voting if you like. I was asked on the radio the other day whether it was right to get rid of the Constables simply because they vote *en bloc*. Of course, that is not correct. First of all, it is questionable whether they vote *en bloc*. I think the statistics may bear it out but then again I could be accused of voting *en bloc* in a similar way, so we all have reasons that we vote a certain way and that is to do with the underlying politics and we should not at necessarily block voting per se but maybe look at why the role of the Constable is necessarily a more conservative position but that again that is a separate argument. Nonetheless, there are valid arguments for the removal of the automatic right of Constables to sit in the States I believe. One of them is to do with proportionality. P.P.C. have been very good in dividing the Parishes up. We have tried to get an equal mandate for everyone but there is an anomaly it has to be said about keeping the Constables in the States because it does not get rid of the idea that St. Mary’s is still electing one Constable per 1,500 more or less, is it not, and then a town of 28,000 are electing one Constable. So there is that idea that proportionality is not correct, and we also heard comments from Deputy Maçon about the fact that the Constable is represented in administration; that is certainly one way of looking at it. We know that Constables are policemen. We were told that I think in June or July by the Attorney General so he was told that they are policemen. If we think that is fine to have policemen sitting in the States, well, that is one way to look at it but ...

**Connétable D.J. Murphy of Grouville:**

Could I ask him just to give way for a moment? The Constables do not take part in any operational policing so that makes them non-policemen. We are more administrators and making available assets for the police to use.

**Deputy M. Tadier:**

Unfortunately, the Attorney General is not here and I thank the Constable for his clarification, but we were told that the Constables were policemen unequivocally by the Attorney General. **[Approbation]** Admittedly, there are certain policemen who do administration, there are other police who are on the beat so, you know, I do not say that Constables are necessarily out there with their speed guns but I think technically you are the head of the Honorary Police Force in your respective Parishes and that is fine. That is another issue perhaps for another day. What I particularly liked about Constable of St. Clement’s proposition and what he said yesterday is that it is not about getting rid of the Constables. What it is about is giving legitimacy to the Constables so there is nothing to stop a Constable for standing for election as a Deputy, or whatever we want to call it. You know, we do not have to call it Deputy, we can change it; let us call all of us Constables if you like, that way we are cementing tradition. What we are doing though is we are giving people the choice as to whether or not they want their Constables in the States in a similar way that we do when you vote for a Deputy, they get to choose whether they want to put their Deputy in the States. It is a slightly weak argument so scrap that one but the point is it is up to the people whether they want their Constables in the States and if Constables are so sure they are wanted in the States then presumably there is no problem, is there, because the electorate will elect you as a Deputy. If they do not want you in the States, they will not elect you to be in the States. Nonetheless, you are elected to be a Constable in the same way that someone in France or the U.K. is elected to be a mayor of their town to head up the Council and that is a very noble position and presumably something which would need to be remunerated; something which would be sorted out by the Parishes. Give people the choice as to whether they want the Constables in the States but this is a problem which is endemic to Jersey, is it not? There has been a review into the Board of Visitors and we know that your role is a problem in Jersey and in the past it was necessary to have

these roles. In the modern day, it is no longer acceptable to have these overlaps between the executive, the legislature and the judiciary, which in some ways you could argue the Constables overlap all 3. Just like the jurors, we said why should somebody be stopped from being on the Board of Visitors, from going up to check our prison if they have got free time, if they have a particular interest in it simply because they do not want to serve in the Royal Courts. I think that is quite a sensible statement to make. Similarly, why should someone be stopped from serving in their Parish, from rising up through the ranks if they want to do it that way from Vingtenier to Centenier and then to Chef de Police and then to Constable? Why should they not be able to serve their Parish? Frankly, there are some people who ... Why should it stop people who are maybe too busy and too intelligent to want to be in the States from serving as a Constable? **[Laughter]** I am glad you laughed there. But certainly that is an issue. It is all about encouraging people not only to vote but to get into the system and then when they are Constable they may find that they like the job and that they want to run for the States similarly. Let me give you an aside. I will not mention any names. There was a former Constable of St. Brelade - it is not the one I referred to earlier - and we were chatting at a Parish Hall meeting and I was saying: "How is your retirement going? Do you miss the States?" and he said: "Well, it is not the States that I miss so much, it is really the Parish and the whole Parish Hall." He said: "It was a great thing to run and it was a great honour to be Constable." I said: "Okay" and he said: "If you talk to most Constables in the past you will find they will say the same thing. They do not miss the States and the States work but they miss the Parish Hall." I said: "That is strange, is it not, because if you try to take that automatic seat away from them, they would resist it with great fury?" as we have seen today apart from perhaps with one of the Constables, and he said: "No, no, you do not understand. We need the Constables in the States" and then the argument went on like that. So there was certainly an inconsistency but his initial reaction was that we prefer our Parish duties and find there are certainly parts of this job that I prefer more than others, but the point is it is not so much whether the Constables themselves should be able to choose, it is the people so let us leave it at that. So we have talked about legitimisation and the separate role, the dual role, the automatic seat. I do not automatically become a Constable when I am elected in St. Brelade. I do not believe the Deputy of St. Mary or the Deputy of Trinity automatically becomes a Constable, so therefore why should a Constable automatically become what is effectively a Deputy because we all have the same vote in the States. We have heard this time and time again that we are all the same. When we get into the States we have one vote; any of us can become a Minister, anyone of us can become an Assistant Minister as long as you have the right politics and any of us can become a chairman of a Scrutiny Panel. Which one is it? Are we all equal or are we not? If we are all equal ... remember the original position we spoke about at the beginning, what would you opt for if we were all being logical and rational and these are not qualities that are prohibited in the States? There are further attractions about the Constable of St. Clement's proposition. One key thing that we were certainly mindful of on P.P.C. was uncontested elections. I welcome the clarification yesterday by the Constable of St. Mary's to say that everyone is elected to the States whether they face an election physically or not because we all call an election, it is not the individual's fault if no one comes forward. That could be seen as more of a mandate because nobody wants to stand against them and everyone is happy with them. That is certainly one way of looking at it, but on the other hand we should all agree certainly that it would give greater legitimacy and certainly for public perception if everybody had to face a contested election because then we would not have to stand up to unfair scrutiny when people say: "But hang on a minute, so you are a Minister, are you, and you did not face an election and you were elected by all your mates?" That is what people say out there. We know this is not true. We know that everybody in here who becomes a Minister is elected democratically but try to explain that to a member of the public, how an elected, let us say Constable or Deputy could be either - it cannot be a Senator - becomes a Minister and then try and defend that. It would be better, would it not, if every seat was contested and the strength of I believe the proposition we have before us is that every constituency has a minimum of 2 seats. We know traditionally if you have one seat that can often be a safe seat - it is also called a rotten borough in some quarters - whereby

somebody [Aside] ... well, historically it was, whereby the same person gets returned unopposed. As soon as you have 2 seats on the other hand, you do not just get 2 people standing for an election. Just look at St. Brelade No. 2, you get 8. If you have 4 seats in St. Helier 3 and 4, you have 7 or 8 people standing for election. I think it was 9, was it not, in the last election, so this surely has to be good for democracy. It encourages the interchange of ideas, it forces a husting, it makes people listen to the ideas and it is good for dialectical politics. It makes people engage both with themselves as candidates and it makes the public engage with us as politicians. This is a strength both of the super constituency model and of this proposition we have before us. However, it is not a strength of the single seat Constable's position which we have at the moment. One class of States Member: now I have done it today already. I have got the title wrong or certainly not used the correct format. How many times have we heard it before? Even experienced States Members like the Treasury Minister refers to a Senator as a Deputy and we all do this because Deputies become Senators, sometimes Senators become Deputies, Deputies become Constables and Constables become Deputies, et cetera, and we all have different views of what a promotion is in the States even though, of course, we are all equal. This would get rid of something like that, something silly. You would not have a problem with calling someone a Senator when they are a Deputy and offending them or being accused of trying to undermine them because we would all be equal. I think there is a valid reason for this because it is indicative of the fact that we all have a kind of unease I believe. I quoted earlier "Suspicious Minds". That is because we all believe that we trying to do one over each other so, you know, the Constables, if I stand up and say that they maybe do not have a certain amount of legitimacy in one sense, I am accused of trying to protect my own type, which is a Deputy, because we are creating more seats for Deputies and nothing could be further from the truth. I welcome again the Constable of St. Mary's confirmation several times that when she was the Deputy she voted to get rid of the Deputies and, similarly, if it does go to the P.P.C proposition, P.72, I will have to consider how I vote but certainly it will not be with any kind of self-interest. So one class of States Member, the multiple seats in each district - that is certainly something to be welcomed. It retains the Parish boundaries, again something we have heard from the Constables themselves. The Parish boundaries are accessible, everybody knows where they vote at the moment, everybody knows the district or the Parish. They know where the Parish Hall is, they know where their voting station is, the polling station, so it is not too much change in one go. We are changing simply to one type of States Member and the Parishes themselves, the districts, stay the same. If we need to change in 10 or 15 years, let us look at that but certainly we do not want too much change in one go, therefore we keep the Parishes. It is a very good compromise. In fact, it strengthens the Parish system. We are not looking to get rid of the Parishes and create super constituencies. What we are doing is saying keep the Parishes and decide yourselves whether you want your Constable to be in the States. That seems to be very rational, very reasonable to me and why should we deny parishioners the right to choose whether they want their Constable to sit in the States or not. I thought it was something of a spurious argument about forcing 2 elections earlier so we would have ... there is general support for the idea of a general election, we know that but you would have an election for a Constable presumably which could run at the same time as the election or not, and you simply put whether you want them to be in the States or not. That is one way to do it but even if you did not have the Constables being elected at the same time, that does not matter. Council elections in the U.K. and other places run at different times of year. They are different elections, that is not a problem but all the Deputies would be elected on the same day, therefore you have a general election system. It is a lot clearer, we get rid of the opaqueness we have at the moment and you do not have confusion about, well, I voted for a Senator so therefore probably I do not need to vote again, do I, because I already voted last month and I do not understand what these Deputies are for anyway even though their numbers are greater. In that sense that is the real tragedy I found is that everyone turns out. We get up to 50 per cent maybe on a good year to vote for 6 Senators but then 29 Deputies are elected on a paltry 25, 30, 35 per cent of the electorate and that is the electorate who were registered, not to mention the third that are not even registered, even though that is really the key election that people should be turning out

to. So a general election day, single class States Member, keep the Parishes intact so it does not do anything to affect their integrity and I think Bob's your uncle, although Bob may be not agree. **[Laughter]** There is this idea of proportionality and the Constable of St. Clement has admitted himself that people who favour exactitude may not be in love with this particular model. That is true; again, that is true for the element of the Constables in the P.P.C.'s report. There is not proportionality there but I would agree that it is a price that is worth paying to keep the Parish system. If you want us to get rid of that anomaly certainly you could join St. Mary's and St. John's together, have a Parish that way and then the proportionality issue would be resolved, but I do not think that would be very popular with either the electorate of St. John or the electorate of St. Mary. This is a compromise; that is why we do it. Again, it is not satisfactory to give St. Mary just one seat because then you have the argument of why should there only be one seat which would be viewed as a safe seat in St. Mary when we do not have that in other areas. This is basically a working compromise which I think combines the best of all worlds. Certainly, it is better than the system we have at the moment which we know is disproportionate. Of course, the counter-argument is given that in the U.S.A. (United States of America) they elect Senators, 2 per State, so it does not matter if you have a massive state like California with millions of people or if you have a state like Oregon or Alaska or Hawaii, they all get 2 Senators but the difference is there, of course, they have got a bicameral chamber. Fine if Members want to propose a bicameral chamber, I am quite happy for the Constables or the Senators or anyone else to be kept in the States, but the point is we do not have a bicameral chamber. If you do want one, we could perhaps build it over the road at number 5 Library Place rather than selling off that building **[Laughter]** but it does not seem that there is ... that is an allusion to amendment I put in the Business Plan but Members would not have read that yet. I think we do have to work within the confines. We do have a single unicameral system, therefore it seems strange to have different classes of States Members and this whole thing about electing for 6 years, 3 years, 4 years is a complete mess. I think the public want clarity and I think a 4-year election is the way forward and this is the strength of both proposals I believe. But then we are concentrating too much on the Constables here really, are we not, because that is the way the debate seems to have gone. What about the Senators? Why should the Senators be expected to be removed under our position, P.P.C.? That is one argument which will come up and really, that is one I cannot defend with any logical argument. Why should the Senators who are elected on an Island-wide basis give up their 6-year seat while we allow the Constables, some of whom may not be elected in the sense that they face contested election? That is an argument that will come up and that is one I do not know how to deal with. This system we have one class of States Member, it is equality for all. There is the issue, of course, that the Senators' election is not workable. We know the farce that we had with the 6 Senators being elected, 21 candidates. If you have 12 Senators being elected at the same time, if you want a general election which seems to be what a lot of people do want, are you going to have 41 candidates going for 12 seats? Forget the hustings or certainly we are going to have to be very imaginative when we come to running a Senator's election so, you know, I think keep the Parish system and also I think it is a spurious argument to say that just because I cannot vote for someone in Trinity therefore I am disenfranchised. You do not hear people in Cornwall saying: "Oh, well, I did not get to vote for that person in Aberdeen" or "I did not get to vote for the Prime Minister directly so therefore I am disenfranchised." I think simply because Jersey is such a small jurisdiction and it has a national legislature and it is effectively in one sense a local legislature in the very true sense of the word, these ideas get confused. I do not think it is really a problem whether we get to vote for all Members in the States or not. What is key is that every Member in the States get elected with a majority and that is something which P.P.C. will be looking at when we look at alternative voting patterns. I am certainly going to propose that we look to the transferable vote so that you can choose the order in which you want to vote for someone and everybody has to get a majority effectively. I am here elected by 35 per cent of the electorate that turned out. It is quite possible that 65 per cent of people in my district hate me. That is quite possible. **[Laughter]** It is quite likely as well but I hope not but the point is why should the 65 per cent who dislike me so much

that they do not want me to be in the States be disenfranchised, and that is something which I am happy to challenge and I have no problem with that. Again, we spoke about vested interest. These are all gestures which we can make to get rid of the vested interest and to regain the sympathy and the goodwill of the public. I am coming towards the end so I will throw you that lifeline there so that your energy levels peak again. We heard yesterday that people want Constables in the States. I have heard that people do not want Constables in the States so again we cannot really put too much thought by this. I was talking to the Constable of Grouville outside a moment ago. He was saying people approach him and say, you know, we want to keep you in the States. Well, of course they do. No one is going to come up to him, I would suggest, and say we do not want your type in the States. Similarly, no one comes up to me and says I do not want Deputies in the States. Some people do tell that they do not want the Constables in the States but you have to balance that and you cannot just do it on what petty prejudice we have. You have to do it on what is the right thing to do, and I believe that I have given a clear account of what the benefits and the disadvantages are of all these models. The Constable of St. Helier mentioned earlier that you would have a problem if not having all the Constables in the States. Again, that is a decision for the public. If the public do not want their Constable to be in the States, why is that such a problem? I am surprised that the Constable of St. Helier did not just bring an amendment to say that Constables should not be allowed to stand for the States, that they should only be allowed to be a Constable but I am unclear as to what his rationale was there. Certainly, the system is very liberal. It allows either/or options and it gives the power back to the people I believe. To sum up, the strengths are the multiple seats. It gets rid of uncontested elections and the public perception that goes with that. We have one class of States Member which again I think can only be a good thing. Remember, the Elvis song, if we want to get rid of these petty squabbles that we have and even the notion of the fact there is some kind of hierarchy which has changed, has it not? We hear on the one hand, as I said before, we are all equal but then we are told we need to have Senators so we can elect Ministers. That was certainly a line which was bleated out at the last elections quite understandably by someone who is a Senator himself saying we need to make sure that we elect Senators and they need to be people of character, probably people who have been in as Senator before so that we can trust them so that we can appoint Ministers and then what happens? We go on to appoint Deputies and Constables to ministerial positions. We go on to appoint Deputies who have only just got in to be Assistant Ministers; no experience there at all. The notion of serving your apprenticeship first before you become a Minister or a Deputy completely gone out the window there, so these arguments are not valid anymore and they have been negated by the very people who have been putting these forward as valid arguments. So we do not need the distinctions anymore, this is a directive we have heard from the Council of Ministers themselves, they have appointed a Deputy for Social Security, they have appointed a Deputy for Health and Social Services which has got the biggest budget. Again, I do not have a problem with that. Our very good Health Minister was elected by the States democratically but that is not the way the public see it. They see a seat which was not contested in Trinity. They see a very small mandate, arguably. They see the department with the biggest budget ever in the States and they see that this person has not faced an election. Now, as I said, that is not a problem any of us have but it is a perception problem with the States. We do not need the different classes of States Member. I think that argument has been put to bed. This proposition respects the Parish boundaries. The Parish is represented in the States. It is represented by the people of the Parish who elect their representatives so this argument, that the Parish does not have any representation, is complete nonsense. They have multiple representation by the Deputies that they choose to elect in the States and that is certainly a good thing. It is not just one person that some people are electing and there is not too much change in one go, so I think the equalisation has to be a good thing. Let us not forget how close we are to France ... I am finishing so bear with me ... and égalité, fraternité and solidaire ... I keep on forgetting the third one, liberté, but that is probably a little bit too much to hope for at the moment so let us go certainly for fraternité and égalité. Everyone is equal and nobody is more equal than others.

#### **1.12 Deputy R.G. Le Hérissier of St. Saviour:**

It is going to be very difficult to get off the fence. **[Laughter]** I am reminded and I have been reading a book of quotes but unfortunately I have not got access to Deputy Trevor Pitman's *Big Book of Quotes* which he got for his birthday **[Laughter]** and which he has been quoting incessantly at Scrutiny and on the emails but Peter Drucker said: "The most common source of mistakes in management decisions is the emphasis on finding the right answer rather than the right question." Einstein ... this is the one I have not been able to locate in my big book or my lesser book ... Einstein said: "One of the problems with humankind is they kept revisiting the same problem with the same solutions" and, in a sense, that is the dilemma we have got into. Here we are and I say this to myself - and this is why I may have depressed the Deputy of St. Mary and Deputy Trevor Pitman - we are focusing considerably on the Constables but, of course, Clothier arose for different or broader reasons, shall we say. Just before I get there and revisit Clothier, it is worth another couple of quotes: "When you start dealing with real change, you are talking about interfering with those who are in possession of something, i.e. power." Herbert Hoover said: "Old reformers never die, they get thrown out" which, of course, is a fate some of us are no doubt going to face or younger reformers and another writer said: "A reformer is one who sets forth cheerfully towards sure defeat." Again, a lot of us have trampled along that path. Clothier, of course, was squaring an incredible circle trying to bring all sorts of principles to play so that we would have a logically organised government but, most importantly, we would have accountability and this was brought up at the Constables' meeting the other night and at the Town Hall meeting. They wanted accountability and this has been the big issue because the underlying assumption of Clothier was, I am afraid, one of 2 things: either there would be the creation of a party system which would make for strict accountability or there would be true consensus whereas we come into Clothier with a political culture which sadly is still with us, if not its main proponent, which said: "If you are not with us, you are against us and I intend to marginalise you." That had the effect of dividing the House and, to use a phrase of the much-mourned former Senator Vibert, not using all the talents of the use. I used to laugh at the notion of consensus and I remember I had all sorts of debates with the much-mourned, in terms of his position in the House, former Deputy Dubras, that he seemed to be very obsessed with consensus. I never liked his version but I probably underestimated the important role, when applied, it could play. We have had a divided House and the Ministers have romped ahead not operating according to consensus: "If you are not with us, you are against us." While they have said: "Well, here is a scrap called Scrutiny, you can express yourself that way" - and I totally agree with Deputy Vallois, we need to be much more assertive in using Scrutiny - while we have all been confined to Scrutiny to minimise trouble-making tendencies, the point is the system is unbalanced. We have not had the vibrant political opposition with a small level "O" and a big "O" which the Clothier system implied. The irony of the Guernsey thing, people go on and on about: "Is it not terrible about Guernsey" but, of course, everyone praises Guernsey because they never adopted the ministerial, they adopted a rationalised committee system so a lot of people, particularly the former Senator Mike Vibert, were pushing on this House and they said: "Oh, would it not be much better if we had that." We have now got, as I understand it, if you read the Welsh report on Guernsey, they are now saying there needs to be much tighter accountability in their system. I do not see how they are going to get that accountability other than through political parties which, of course, are much less developed there than they are here. I do not see how they are going to get it because accountability means Ministers will be held regularly to account. There will be more votes of no confidence run. There will be more interrogation of what they are doing in their departments and there will be much more interest shown in major policy issues rather than the policy inertia which dominates a lot of the States where we just add incrementally, and I think that word has been used wrongly. "Incrementally", as I understood it, means "grow"; it does not mean "not grow" or "grow less". I think that we are all moving to that but, like the butterfly emerging from the chrysalis, we do not quite know how to get there. There is a very, very painful birth. That said, as I said, I am a bit like Deputy Tadier of St. Brelade. I did not want to bury Caesar in the sense of burying the Constables, believe it or not, although my unpromising political career, of course, was to founder at a very early stage on that issue. I did not want to do that. What



I wanted to see from the Constables was a real comeback. I did not want the Constable of St. Helier to talk about great men of the 19th century and, no doubt, it was only modesty that prevented him talking about even greater Constables of the late 20th century. **[Laughter]** I did not want him to talk about that. I wanted him to say: "This is how we can move the Parishes and the Constable system forward." We can, for example, breathe new life in the lodging of Greffe procedure where we have the 14 days which, as we all know, was brought in under the Code of 1771 no less, where the Constables go out and they do not get a mandate from their parishioners but they get a sounding from them on new legislative proposals, so they would be very actively doing that. That is what it was intended to do. I like what some of them have done with youth clubs. We are seeing moves to community support groups or organisations in St. Clement and St. Lawrence, and I think that is excellent. I would like to see a move towards elected municipalities, although the Constables often argue, when I have discussed it with them, elected municipal councils with whom the Constables work within the Parish organisation.

### **The Connétable of Grouville:**

The word "municipality" is a parochial word, which means the people in the municipality, every one of whom is elected.

### **Deputy R.G. Le Hérissier:**

Absolutely, I totally agree with the Constable. The word is sometimes used to denote the whole Parish but I am talking about a council within the Parish in order that they can work with them and they can formulate proposals which can then be brought to the broader Assembly. I would ask them to be more talkative in the States. One of the points brought up at the St. Ouen Parish Hall meeting the other night was that Constables are like good housewives, and while there was much tittering, the argument being apparently they were very good at handling budgets, their budgets were always - they had to be - they always had to be balanced and they could not just rush out and raise new taxes when they happened to be short of money. I would say to them the whole argument the person as I understood was bringing forward was they knew how to run Parish budgets properly, therefore they would have an immense contribution in how to run States budgets. Sadly, that has not been transferred. Where are the Constables complaining about with the staffing in the States, misuse of taxes, wrong taxes, et cetera, those areas where, if the good housewife analogy is to be pushed - and I can see Deputy Maçon looking a little worried - about tea towels to the fore **[Laughter]** if the good housewife analogy is to be pushed, I want to hear more about budgets and why the system is wrong and how it can be improved, maybe through P.A.C. (Public Accounts Committee). I want to hear some real constructive alternatives put forward to the establishment's view because we are in a total period of inertia. We are in a total period of public disillusionment and that is why I raised that question at the start. Where are we going to? The public wants accountability. They could not care less about, in a sense, whether the Constables are in or not but they do want accountability and they do want competence. The great danger at the moment is, given that most of the voters are of the older generation here, they are getting disillusioned with their natural constituency, the people of the so-called establishment. They are getting disillusioned also with their natural constituency. So where does that leave us? I did mention that Clothier did try and address these issues and it is smart aleck stuff to say: "Oh, it is just a re-run of the Local Government Act [I have heard this several times] of 2000" because there are some very sound principles within Clothier. They did try and square the circle and they did tilt very much without the Constables' role it has to be said. They tilted, as has the Constable of St. Clement, to the Parish system. They said: "You would not get your perfectly balanced representation" as Dr. Moran argued for the other night but they tilted. They said: "That was a compromise worth having", so I think that is what we have missed out from Clothier. We have missed out the fact it was designed to get a much more accountable system. It was presumed that that could come from one of either 2 things: a party system or total consensus where everybody was truly involved and was truly listened to and not marginalised in the manner that sadly has happened over the last several years. That

said, I am likely to support the Constable of St. Clement but if his does not go through, I will, as I did at a previous debate, look very seriously at P.P.C. (Privileges and Procedures Committee). The real issue with the super constituencies, as I was to learn to my cost, is they just have no emotional appeal sadly. They are the logical answer. They are a way of dealing with the impossible dynamics, we were told, of the Senatorial elections if that was to be the way forward, an all-Island representation. They are a diluted Senatorial system, so to speak, but they do not have an emotional appeal to people. People are not attached to them and somehow we have to evolve something that is based on the Parish unit but yet brings us forward. I am reminded of a further quote, yes. Samuel Coleridge said: "Every reform, however necessary, will, by weak minds, be carried to an excess [think ministerial system] which will itself need reforming."

### **1.13 Deputy D.J.A. Wimberley of St. Mary:**

Well, that is a hard act to follow. Yes, I am going to just take this fairly systematically because other speakers I found hard to follow but there are always good points, good nuggets, in there, but being of a rational disposition, I am afraid it is going to be a **[Interruption]** ... I am in the wrong debate. No, I will just look at the principles. First of all, in summary, really, I would like to say I do find this amendment superficially attractive. It is superficially attractive. It keeps the Parish link. It reduces the number of elected Members, which we know the public would like, and it achieves the general election. It is, in fact, the amendment which I based my amendment on because it had those merits, it had some real advantages. Before I make my main remarks, I would like to pick up on this question of the good of the Island which Senator Ferguson mentioned - I think it is an important point - and contrast it, which she contrasted with listening and implied that there was a problem here with listening to what people are telling us and the good of the Island and they may not be the same. Deputy Tadier alluded to the same issue when he touched on people coming up to us and saying this or saying that and people coming up to, for instance, the Constable of Grouville and saying: "Hey, you are a good chap, we want you to stay in the States, we want the Constables to stay in the States." Now, I do take that point and I think P.P.C., one of the virtues of their report, which later I will be quite critical of, but one of the virtues of their report is that it does go through the MORI 2006 poll and it gives Members some evidence as to what the public told us when they were asked in a systematic way. So I do not need to go knocking on every door in St. Mary to find out what the public think about this because we have already done that work and P.P.C. were correct to say the research has been done and MORI did a proper stratified poll that is reliable and they asked people to give us their opinion on the various elements of the packages. I am not commenting on MORI 2007, which was a disaster, but MORI 2006 is a reliable indicator to this House. I really do not put so much store on what a few people said at a dinner party to me or what they said in the street as I do on a properly conducted survey and, I am sorry, but that is the rational approach. What is the point of surveying the opinions of the public if we then do not take that on board with, of course, the pinch of salt and looking at the footnotes to see whether it was a properly conducted poll? So what is wrong with it? Looking at this amendment, what is wrong with it? Is it worth supporting and is it better than P.72 because, obviously, those are the questions we need to look at. I am going to take the underlying principles in order of proportionality, representation - all of these have been touched on but not systematically, I do not think - and involvement and, of course, over everything is public opinion, what do the public think on all these questions, and then go through the elements which, again, other Members have touched on but in a fairly random kind of way. I find it difficult but I hope it will help if we go through it methodically. So proportionality: this is, of course, the main flaw in what the existing system is. It really is unsustainable. We do have to change it for the better and if you look at the figures on Deputy Pitman's amendment to the second amendment on page 6, you can see the population per new Deputy just how far out we are. I am not sure because what he gives is the figures for his amendment, but if you go to my addendum and you look at page 3, you will see just how unproportional the present system is with St. Mary over-represented vastly, of course, and the other country Parishes all over-represented and then going to the other end where we see St. Brelade, St.

Helier and St. Clement under-represented by large margins, not as large, of course, as the country Parishes are over-represented but that affects many, many more people. So the present system is wildly unproportional and if you look at my addendum, page 3, you will see what the Constable of St. Clement's amendment brings to this. It does make it better. It makes it better substantially. It does not make it as good as some other options that are not on the table but it is a big improvement. If you look on the left-hand side of the second chart on page 3, you will see that all the country Parishes are less over-represented, even with 2 representatives of St. Mary, and the urban Parishes get much nearer to the zero per cent line, the line of proportionality. So it is a better fit but, as I said, not by much. It is a slight improvement. If you want real proportionality, you have to go to a multi-Member constituency solution which is part of P.72 and is, of course, the Deputy of St. Martin's solution but there is, of course, a problem with that and that problem is that the public do not like it which Deputy Le Hérissier has pointed out and there are many reasons for that, which I will come to later when we look at public opinion on the different constituencies. There is an issue which needs to be touched on under proportionality before we move on and that is how it affects the different categories. The first, of course, is Senators. Now, none of the solutions in front of the House today include the Senators but, of course, they are totally proportional because they all represent exactly the same number of people, which is all the electors of the Island or all the population of the Island. The other category is Constables, and if people would like to just have a look at it. It is so much more graphic, is it not, when you see a picture on page 8 of my addendum and you see the proportionality of the Constables, and I would just like people to remember that chart when considering this amendment, when considering the Deputy of St. Martin's amendment to this one falls, and P.72 itself. The over and under of the Constables, none of them are near the line and, of course, St. Helier is wildly under. It just is not proportional and that is a problem. It is not fair and it has a huge impact on the way the House conducts its business, on the way the votes go, the fact that the country is basically over-represented in relation to the town. It is a big issue. We cannot sweep it under the carpet. We have to look the problem in the eye. Moving on to representation. One way of looking at representation is how many representatives each voter has and I think one speaker has alluded to this. At present, each voter in the Island votes for 14 people at least. They vote for all 12 Senators and they vote in the smaller Parishes for their Constable and for their Deputy. That is 14 at least who they have had a hand in electing or who they could have had a hand in electing. That is an astonishing breadth of representation which other jurisdictions might envy. You could say it is more than you need but the fact is that is the number, 14, and in, of course, Parishes and districts with more than one Deputy, the representation is even greater, so that in certain districts in town people are up to 16 or 17 people who represent them in the States and that means also people that they can choose to go to with an issue, whether it is a political issue, whether it is a personal issue, there are 16 or 17 people down to 14 in the country Parishes, people you can go to who are in the States. Now, there is a problem with this amendment which is that it reduces that to 2, just 2 in the smallest Parishes and, in fact, the amendment has been gerrymandered, so to speak, to make that into 2 because, in fact, it should be one. Proportionally, it should be one and even then, St. Mary would still be over-represented but that is just a fact of life and I think we are going to have to live with that. The reason that the Constable of St. Clement went from one to 2 and said: "We have got to keep the 2, the minimum of 2, for each constituency, for each Parish" is that it just is not adequate to have one. You cannot tell the public that they had 14 people representing them in the States one minute and then the next minute, they have got one. The problem with just having one is that if you do not get on with that person, if you do not agree with them, if you really, really find them difficult to talk to, then who do you turn to because it certainly would not be the done thing to go over the border so you are left with the one person to turn to, and that is why the good Constable put in the requirement that we should have no Parish with less than 2 but, of course, that skews the proportionality completely and is part of the problem with his solution. If you had a solution with another class of Member and his proposal, then that falls away and the smaller Parishes could have one or you could amalgamate them in clever ways to make it proportional and to keep just a few representatives because you have got other

representation. Now, the third point I want to talk about with reference to representation has been mentioned most recently by Deputy Tadier, and he raised it as a quite major part of his speech, and that is how many classes of States Members we have, and I do not think other people have talked about that much. He tried to make the case for one class of Member but he then said that we are going to have to live with a unicameral Chamber, and he discussed that as well and how you could be unproportional as long as you had 2 Chambers. On Friday night, I went to both of the public meetings where electoral reform was discussed and a member of the public pointed out something very important about the different categories of States Member. He said that if you have a single Chamber Assembly, you need to have more than one way of getting into it. If you just have one way of getting into it, for instance, if you had all Senators, which is quite popular with the public even though it is virtually impossible to manage the elections, the fact is it would be popular with the public, if you had that, there would be no other way of getting into the States and you would lose all the characters on the Deputies' benches. You would lose the people that we know very well who have a secure mandate from their Parish or their parishioners and who follow particular interests or concerns as well as the other interests, the other concerns that we all share. With the one path into the States, you risk losing those people and, in fact, you risk losing them if you go to multi-Member which is pretty near a reduced version of the Island-wide mandate. If you do not keep the Parish link, if you do not keep some relatively small constituencies, you will lose some of the really valuable Members of the States and the point is that if you had 2 Chambers, you could rectify that but we do not. We have one Chamber and the point was very well made, and if you had all Deputies, then you miss the other way round. You do not have the option of people getting into the States, as Senator Le Marquand did, purely on an Island-wide mandate because that is the way he felt he had to go and that is the sort of character he is and that is the sort of appeal he has. So I think that to say that one class of States Member is in itself desirable is not a very strong argument. I think we need to be a little bit careful about solutions which say that one class of Member is itself an important element because I am not at all sure that it is. I think you lose something if you move towards one class. One of the strengths of our existing system, which I do not think we should carry on with, but one of the strengths is precisely that there are these different mandates, different ways of coming into the States. The third underlying principle is involvement. How do we keep or how do we increase the involvement and enthusiasm and participation of the public? There are certain elements which might lead to this. The main discussion on involvement, why the public are dissatisfied with the States I am going to reserve for P.72 when we come to debate that because I do not think the analysis there stacks up but in terms of the amendments, one of the ways that it is suggested that this amendment will increase the public involvement is that it is a general election. It will bring a general election. All the solutions have a general election so there is no need to comment any further on that. However, there is a problem at another level with this amendment with public involvement and that is there is no step up. There is no option for someone to, in the phrase of someone, I cannot remember who, said: "Serve an apprenticeship" and I do think, again, that that is quite an important aspect of our present system. You can get in as a Deputy. You can then step up to Senator and either before or after become a Minister, and I do think that is part of what underlies the public support for the Island-wide mandate. They do sense that it is inappropriate for a Deputy such as myself to be a Minister and it is inappropriate even for an unopposed elected Deputy to be a Minister. There are real problems there and the step up allows talking about involvement, going back to involvement, it allows a member of the public who is interested in politics to have a go at a Deputy level without the standing in front of thousands of people at the hustings for Senator, which is a big step for anyone to take and might be pretty discouraging. Incidentally, on that involvement question, someone has said something in the debate which is quite personal to the Constables. If the Constables were to not be in the States *ex officio* and you had these 2-tone Constables, the Constables who were in the States and the Constables who were not, that would allow more people to become Constables. It would allow a step into that role which they could then think: "Yes, I am attracted to the political side of this as well" and move on to be Deputies so that is hardly a step up, it is a step sideways but the fact is that

it allows more ways in if you go down that route. Community: Senator Le Marquand mentioned community. He is absolutely right. One of the great virtues of this amendment is that it preserves the Parish link. Of course, it can be done by Constables as well - I will come to that later on - but the fact is that the Parish link is really important for all the reasons that he said and I particularly took on board - and I think we all should - what Senator Ferguson said about the move towards localisation which the public want and which is extremely important in this day and age, that we do go back to community in a way. I think that any move to multi-Member constituencies, one of the reasons it does not have public support is precisely that, is that it moves away from this smallest level of our democracy and our society. Now, people have mentioned turnout. In respect of involvement, I will leave all my comments on that too to P.72 because I do not think turnout and what we end up deciding in the way of which classes of Member we have and the whole electoral reform, I do not think they connect in the way that is being suggested so I will leave that for later. Now, moving on to the elements. There are 4 elements. The P.72 Report helpfully lists the elements and discusses each one in turn and I would like to have a look at that because it is relevant to this amendment and it will be relevant to the next one too. It is, of course, a difficult debate because we are talking about one amendment. Then we will be talking about another one. Then we will be talking about the proposition and, in fact, many points. It is going to be hard not to repeat them but that is the way and I think that people will find that most of the speeches are longer on this first amendment because we are covering all the ground. So the elements are the mandate, constituencies, who should be in the States, which classes, then the general election, then the number of Members and then the length of office and compare this amendment to those 4 things in turn. I would like to refer Members to the original proposition, page 12, and this is possibly the most important chart in that document, P.72, page 12. Before I go on to looking at these elements in the light of what MORI said, I think some comments on MORI 2006 need to be made. There have been some Members who have rubbished the public surveys. I think one Deputy, Deputy Tadier, said: "Well, it is out of date, it is 2 and a half years, 3 years old." I do not think on an issue like this the movements of public opinion are that quick. I accept that there will be changes but I do not think that is an argument against using these figures, nor is it and I do think they are the best that we have. They are, as I say, a standardised sample. People were not, as in MORI 2007, being asked to judge on absolutely impossible solutions like electing 30 Senators on a general election day which immediately invalidates any voting because you do not have the faintest idea how people could vote for that because it is impossible. MORI 2006 asked the public what they thought on each element of a package, so they were asked about constituencies. Then they were asked about number of Members. Then they were asked about length of office. Then they were asked about general elections. Because they were asked these things one at a time, this House has a pretty clear steer on what members of the public would like in each element, and that is a much better approach than asking them on packages because as soon as you get to packages, all the vested interests come into play: "Well, I like so-and-so and this and that" but we have a very clear steer and it is our job to make sense of these figures, of what the public have told us they would like. It is our job to stick together a package and then as quite correctly proposed in P.72 and in all the amendments, we go back to the public for a referendum. So going to page 12 looking at these constituencies, what would the public want, and the question was: "At present some Members are elected by the whole Island while others are elected on a Parish or district basis. Do you think that ...". If Members look at this chart and they go down to the third option, that is the option on the table now. That is the amendment we are voting on. "All Members should be elected on a Parish or district basis" and 11 per cent of the public said they would like that. Now, that is not a ringing endorsement and I think the Chief Minister referred to it in his speech that this amendment, if it goes through, will not win a referendum and it will not win because of that figure. That has not changed to any serious degree and if the case cannot be made, then it will not win. If you look at the top figures: "All Members should be selected on Island-wide basis" which, of course, as people have pointed out, is impossible, 46 per cent. That is still the steer we are getting. People want the Island-wide mandate. Speaker after speaker today has said that people want the Island-wide mandate and yet

this amendment does not provide it in any shape or form. It goes to the other extreme. "Some Members should continue to be elected by the whole Island and others on a Parish or district basis." That is basically the amendment that I would have brought forward, 32 per cent, so the combination of those is 78 per cent who want the Island-wide mandate in some form or other. That is not on the table but we have to remember it when we are considering these various amendments and the original proposition. "All Members should be elected on a Parish or district basis," 11 per cent and then: "All Members should be elected on a local basis," which is the Deputy of St. Martin's with larger constituencies is 7 per cent. So we have here the second least popular proposal on the table. It is not encouraging, is it? Senator Ferguson and Senator Le Marquand both made the case for Senators and I would like to talk a little bit to Senators because it is an important issue when we are looking at all these things in the round. I think Deputy Pitman in his report said it was just a matter of status and Deputy Tadier referred to divisions in the House based on which class of Member we were and so on. Well, I think he is rhetoricising a little bit. I do not sense those problems myself. I think we are all Members and I think we are just trying to do the job. There are issues with how those classes behave but not on a personal basis and I do not think it is just status, I really do not. I think the step up is important. I think that the freedom that Senators Ferguson and Le Marquand both refer to, that they cannot be burdened with constituency matters, that they are free to either by Ministers or to look at wider issues on behalf of the public is important and to let that go is unwise and that is why the public want the Island-wide mandate because they can see the advantages. If you asked them, you might not get one, 2, 3, 4, 5, the advantages of having Senators, but down there, they know what the advantages are. So the next class to look at, obviously we do not need to talk about Deputies because the entire amendment puts the Deputies in and so does the next amendment, but we do need to look at the role of the Constables and because we are comparing after all this amendment to the original proposition which has the Constables in, we do need to look at the role of the Constables in the States. There have been a lot of interesting comments made by different people and Members will have to forgive me if I cannot pull out things from what I was going to say that have been said already. To start with, there were one or 2 interesting things before I get on to what I have prepared, which is the Constable of St. Helier said in his remarks, he referred to going back to the mists of time and I think that is quite an interesting phrase because it does point to the fact that the Constables are the oldest class of Member in the States and that probably is because of the ongoing attachment. It is part of the reason why they score 54 per cent on the MORI poll, the people who wished to retain them in 2006. At one point, the Constables were the only elected Members in the States. I am not sure how many years that was true for, I think quite a number of years. The Deputies and the Senators have kind of come along after so there is a sense in which the Constables are seen as some kind of bedrock of democracy but, of course, it does not apply any more because we now do have the Deputies and the Senators and things have moved on, so I think the history is interesting. It helps to explain the attachment but it does not justify their position in the States. The second little point that came up in quite a lot of the speeches we heard earlier was that the 2 kinds of Constables which this amendment would create is some kind of problem, that if a Constable was elected as a Deputy, they would be some sort of different kind of Constable from a Constable who was not elected as a Deputy and on the Comité des Connétables, they would be looking at each other kind of, you know, inharmoniously because some were elected to the States and some were not. I just do not get it, I am sorry, I just do not get it. The Constables who would be elected as Deputies, who wished to be in the House, would bring back obviously the information that they knew about what was going on in the House and the ones who had decided to be purely Parish Constables would benefit from that, and conversely the ones who were in the House would learn from the others who were still just concentrating totally and focusing only on their Parish affairs. I cannot see that there is a problem. I think it is an imagined problem if we go down this route, so I just wanted to say that because I think a number of speeches did refer to it and it is, in my view - and I hope Members agree - a red herring. It just is not an important part of this discussion. Going back to what I planned to say, the Constable of St. Clement referred in his opening remarks to the role that the Constables play in the States and I

think he was raising a very important issue: Do the Constables all want to be in the States? I really must say that if you look at the evidence - and Deputy Le Hérisier has referred to this - if you look at the evidence as I am want to do, and as a good Scrutiny member, of course, we always look at the evidence, then the evidence is that really the role that they play in the States is quite questionable and I have to ask them ... no, could I rephrase that, the degree of involvement, you have to question whether they want to be in the States. If you look at the evidence ... I cannot phrase these things as well as Deputy Le Hérisier, you see, I do not have the gift of the gab **[Laughter]**, I just proceed on the evidence. If you look at how many questions they put in the States, and Deputy Le Hérisier did refer to that, it is a minuscule number of questions. If you look at the number of propositions that they bring, it is a tiny number of propositions and these are 2 important functions that we all perform in the States apart from, of course, Ministers. Clothier referred to this 10 years ago. They did a chart which I have not looked at, I have not researched, but they apparently researched this and made exactly the same point and that was one of the underlying reasons presumably why Clothier put a question mark on the role of the Constables in the States. In fact, as the Deputy of St. Martin pointed out, the Constables voted against extending Question Time again and again because what are questions for? Why ask the Council of Ministers questions and there is a real problem here as to what this is all about. Deputy Le Hérisier, in his wonderful remarks on the Constables, said challenge them to sort of reinvent the role and I do think that, given the budgeting thing and the knowledge of how budgets work on that scale, they could be hounding the Ministers really quite productively but it does not seem to happen. Now, in terms of contributions, we have done a little bit of research on this and I can tell them with the greatest of affection that their contributions yesterday and today were far in excess of the average and it will look sensational on the charts I have back home. There will be a couple of bar charts on the right end, this sitting being the latest, which will be off the chart in terms of contributions. Again, it is worrying really that what gets the Constables out of their shells, so to speak, is a debate on the future of Constables because that is what we are talking about in this amendment, and I am sorry again to just bring up evidence but there we go. That is what we are here to do. We are here to try and get the right answer.

**Connétable D.J. Murphy of Grouville:**

May I interrupt for a moment?

**The Deputy of St. Mary:**

I usually give way.

**The Connétable of Grouville:**

I notice that the Deputy has completely forgotten to mention Scrutiny where the Constables are very highly represented and also to mention the Planning Committee and the various other committees where the Constables are, in fact, in the majority most of the time. I just think in the interests of balance, he should use that as well.

**The Deputy of St. Mary:**

I was not going to mention Scrutiny. I got it here and I was not going to mention it but I will now because it was just another point, and I thought maybe this is getting a little bit too far but if you look at the figures, on the major Scrutiny Panels, including P.A.C. and P.P.C. which are not Scrutiny Panels but on the major panels, Constables are under-represented by 25 per cent so they do 25 per cent less and when I say "under-represented", I mean membership. I have not yet done the research on the contributions within the panels but there we go. On actual membership, which is turning up, doing the work, reading the mountains of paperwork, if you are a Constable, you are less likely to be on Scrutiny proportional to the number of Constables. Oh, the good Constable wishes to comment.

**The Connétable of Grouville:**

Proportionality, please, Deputy.

**The Deputy of St. Mary:**

I did say in proportion to their numbers so a Constable is less likely, in proportion to the number of Constables, excluding Constables who are Ministers, to be on a Scrutiny Panel than a Deputy or a Senator also being proportional and also taking out the Deputies who are Ministers and so on. I do do this work quite carefully. To sum that up, and one or 2 people have referred to it but not made the point really strongly, there are 2 different roles. There is the father and mother of the Parish role and, as someone correctly pointed out, that is not copiers and stationery, it is the family, it is the people in the Parish and there is the role of a States Member and, as Deputy Maçon pointed out yesterday, they are completely different. He pointed out the things that the Constables do get up to and I have every respect for that, and I think that role needs to be valued more than it is and it, in a sense, devalues it that all the Constables are in the States as well rather than some saying: "That is what I really want to do." I found the comments, that I am not sure which Deputy referred to, which speaker, about when he talked to an ex-Constable saying: "Well, I enjoyed the Parish work. That was where my heart was. That was what was important to me." If you look at the 2 different jobs, they are utterly, utterly different. The person who comes to the Constable of St. Saviour with a personal issue and the Constable of St. Saviour has to help that person, that is one kind of representation but reading mountains of laws and reports and haggling away at Scrutiny and preparing question plans is a completely different role, and some may wish to do both and that is perfectly all right. If somebody thinks they can do both and they have the aptitudes for both and they want to do both, that is fine. This amendment legitimises that, makes it possible, does not put anything in the way of that and I believe the public would be very, very happy to elect their Constables as political representatives and there is nothing in the way of that in this amendment. Now, a point has been made about the turnout in relation to the different classes of Member and that is probably worth looking at a little bit because there are 2 points to make about this. One is that the voting for Constable is, I think, the highest of 3, the percentage turnouts but people are voting for 2 functions and that again was pointed out at the meeting on Friday evening. People are voting for a Constable in 2 roles so you have got all the people who are really excited about so-and-so being the personal father and mother to the Parish who will lead the community and generate Parish pride, and you have got the people who are really, really concerned that that person should be in the States because they prefer their policies to the other person, so you have got a double election going on at once and so that will skew those percentage figures. It does give the Constables, in a sense, an advantage in that respect. The second point that needs to be made, which has not been made by anyone else, is that we are told that the average voter turnout for Constables in Constable elections is 50 per cent or thereabouts. I do not have the exact figure but I think it is about 50 per cent. Well, it is not because 8 Constables at the last elections were returned unopposed, which is a voter turnout of zero per cent. Well, I am hearing that if you are elected unopposed, the voter turnout is 100 per cent and I hope that goes into "Quotes of the Week" up at the *J.E.P. (Jersey Evening Post)* [Aside] [Laughter] but in my humble opinion and I would commend this to Members. In fact, if there is an uncontested election, the voter turnout is zero.

**The Bailiff:**

Could I suggest we do not get involved in this particular aspect? [Laughter]

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

I would just like to correct a statistic. I believe, in fact, that 6 of the Constables currently in the States have just faced a contested election. Certainly, there were 4 at the last election and 2 others during the year, I believe. I thought the Deputy said he checked his statistics.

**The Bailiff:**

Do you wish to continue, Deputy of St. Mary? I am not sure that a lot is going to turn on whether it was 6 or 8.



**The Deputy of St. Mary:**

You are quite correct, Sir, not a lot will turn on it, but, in fact, there is a chart in here which I am now looking for which points out that where there was an election in 2008, it is on page 18 if Members want to look at it, so I am going on P.72's own figures. If they are wrong, well, I am sorry about that but if I go on P.72's figures, that chart shows that in 2008, out of the 12 Constables, 4 faced a contested election and the point was made by P.P.C. that in those 4 Parishes, the turnout was greater for the other election taking place at the same time. That is the point they were making, that when there is a Constables' election, it drags up the percentage, it drags up the involvement, so I am taking the figures from there; 8 did not face a contested election. I can only take those figures that we were given.

**The Connétable of Grouville:**

May I just point out to the Deputy that, in fact, Constables are elected occasionally, not on a regular basis. They are elected every 3 years depending on the term they initiated and during the term he is referring to, those elections did not necessarily happen in those years.

**The Deputy of St. Mary:**

Correct me if I am wrong but I thought that the Constables were all elected on a single date from now on. What is the true position? I am quite happy to be corrected.

**The Connétable of Grouville:**

I have to say that with the lack of research into this particular point, I have to doubt anything he has already told us this morning.

**The Connétable of St. Mary:**

If I could clarify, the Deputy has asked for clarification. At the last elections which occurred on the same time as the Senatorial elections, not all the Constables were up for election; 4 faced a contested election. Then of the ones that were not up for election, 2 had previously faced a contested election during that period.

**The Deputy of St. Mary:**

Okay, point taken, that makes it 6 in all. So then the average voter turnout does not go down to 17 per cent. It goes down to something like 25 per cent. But the fact is ... and I spoke to a locally renowned expert but we are not allowed to name names here on who follows election turnouts and such matters, and he said it is a point of fact that for a sitting Constable to be opposed is very rare. I take his view but I have not had time to find out exactly what the percentage is. In fact, it is extremely difficult. We did try to find out about elections and how many Constables face contested elections and so on but it is quite difficult because, of course, there is no central source of information because they are elected by the Parish. One would have to go round all the Parishes to do all my research which I did not have time to do. I just wanted to make those points about the Constables because they are relevant to this amendment. We are looking at the different classes of membership and what constituencies we ought to have in the States, and I just wanted to make those points to raise those questions about whether this particular category should be an *ex officio*. That is the point, *ex officio*, as of right, whether they wish to be here or not. Now, apparently, judging from the comments I am getting from the Constables' benches, they do wish to be here but that possibly is not the right phrase that I should be using, but anyway. The point is whether they should be here in terms of serving the public. There are 2 more points. The first hole in the bottom of the boat if we move towards not having the Constables in the States in any way or form, this amendment or the next amendment, then it is the first hole in the bottom of the boat. Well, I am sorry but Deputy Le Hérisser's comments were absolutely spot on the nail. The boat is not sinking but it is not in good shape and there is a real need for the Parish system to be revitalised and it will be lovely to see, and I deliberately put that written question number 6 if Members want to look at it,

but I can remember what it says and in the course of that written question, I asked how many ratepayers turn up to the rates assessment meeting each year or last year in the last year that they had the figures for and it is 20 something, 40, 30, 40. The best 2 Parishes are St. Martin and I forget the other one. St. Lawrence was one of the better ones but the figures are very, very low and certainly there is an alarm bell there. There is an alarm bell for the Parish system and if we want to keep it, then there really is a real job to do and this reform is not putting a first hole in the bottom of the boat. There is a real problem there anyway and I could refer to my own experience and I can just show that this is not just a one-off problem with Parishes. When I took over as Chairman of Christian Aid about 5, 6 or 7 years ago, I looked at the various figures about the electors, how many there were, how many Parishes had just lost Parish co-ordinators and so on and you could see that although on the surface everything looked okay and hunky-dory, in fact, it was not a healthy situation and it had to be turned round in some way. Serious action had to be taken to revitalise that organisation, which I tried to do. So it is not unique to the Parishes but it is a situation which is ringing alarm bells for me and I do hope we can save, revitalise and make the Parish system really work. It does work partly but it could work better and that is all that I want to say on the mandate on the constituencies. General election is another element which the public have told us they wish to see and all the options on the table today contain the general elections so there is no need to comment on that because it makes no difference between the 3 options. The number of Members ... we have been told the public would like to see fewer Members although, as P.P.C. correctly point out, the public would say that if you asked how many politicians do they want, they are going to say fewer, so that is a truism but, nevertheless, again, all 3 options go for fewer Members. There is nothing again to distinguish so there is no reason to say anything and the length of office, again, all 3 options go for 4 years so there is nothing that needs to be said about that. In conclusion, the main problem with this amendment is that it probably will not pass the referendum because of its low popularity with the public because although the Parish link is really important and it is in this amendment as of right and it should be in there, there is no balancing membership, there is no other class, there is no wider representation and the public have clearly said that they want that but this amendment is better than P.72. It is more proportional. The Deputies are more politically representative. It would have been better to have ironed out the wrinkles but there we are. We are where we are. I commend the amendment to the House.

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

I think it is important at this point to bring back to Members' attention the focus of why the Privileges and Procedures Committee did not consider the removal of the Constables in our substantive proposition. Firstly of course there was no public support for it. We are hoping if our proposition is adopted to take it to a referendum. We are hoping that it will find some kind of favour with the public. Secondly, of course, our attempt to create a broad mandate addressed issues of representation against issues of constituency size but because it moved away from a Parish basis it became absolutely vital that a Parish link was maintained. The logical link, therefore, was the Constable. In fact it was more vital than ever that the Constable be in under our scheme. Of course our attempt to move to the broad mandate was a hope that we could come part way to meeting the public's request which was an overwhelming request for an Island-wide mandate for which we have all seem to have talked around being unworkable for one reason or another. The other thing of course, politically it was not acceptable. Previously there have been many attempts to remove the Constables. The last attempt took with it 2 votes in favour. So P.P.C. was charged to bring about workable reform that was politically achievable. Obviously we were looking for something that we could at least get past Members prior to trying to get it past the public to gain acceptability. Perhaps it is useful to look at some of the reasons that have been given in the past for removing the Constables. Let me just clear one thing up. The Constable of St. Clement says this is not about removing Constables. It is just anybody who wants to stand as a Constable can then stand for election as a Deputy. Of course that is possible. That is how it should be. Anybody can stand for a Deputy now. Anybody can stand for a Constable now as long as they live in the right Parish. But

what we are talking about is the Constables: when people elect their Constable, now let us make absolutely no bones about it, people going to the polls in the Constables election know that they are electing a States Member. It does not come as a surprise. Deputy Tadier seemed to think the public were horrendously confused. I do not think horrendously confused is the right word. I think we need to give members of the public a little credit. When you are elected as a Constable you are *ex officio* a Member of the States. Under P.P.C.'s proposition, of course, that would remain. What the Constable of St. Clement does remove is the certainty that when you elect your Constable you are electing a Member of States. The Deputy of St. Mary said he did not understand what difference it made if some Constables were Members and some Constables were not. Of course it makes a difference. The Constables represent the Parish. The parishioners expect their Constable to represent them in the States. It goes without saying that if some are not representing their parishioners those Constables are at a disadvantage all across the board. Therefore, the parishioners are at a disadvantage. That is a simple fact. So what were the arguments previously used? I looked back at a couple of them and I really could not believe my eyes. Here I am not going to talk about from the dim, distant past. I am going to talk about perhaps the last time that this was raised. The Constables are not representative. There are no women. [Laughter] Can you believe that only less than 2 years ago that was a valid reason. There were no women because no women wanted the job at that time. Not because anybody had been disenfranchised, simply because at that particular moment in time it was the way it goes. I have never believed that being male or female should be the reason that you vote for. It should be the fact that you get the best person or the person you want for the job. That was a particularly spurious argument. I do not think it won many votes. Then there is this question about elections. The Deputy of St. Mary got into a little bit of hot water there. Let us just bring it out. We have had at the moment in this Chamber 6 Constables who have been elected - in most cases re-elected - unopposed and we have 6 who have faced contested elections. The Deputy of St. Mary - I believe it was the Deputy of St. Mary; it may have been Deputy Tadier - said that when you get 2 positions or more you are going to get contested elections. No, you are not. That is not how it works. Let us have a look at some uncontested elections. This is a little bit rambling because there are a lot of statistics that I have as well. In the last elections there were 4 uncontested Deputy seats. The previous election to that, there were 6 uncontested. These are not all country bumpkin Parishes. St. Saviour No. 3 has been elected uncontested for the last 2. If I am allowed to finish, Deputy Tadier. The election year previous to that, St. Saviour - the same Parish - District No. 2 had 2 seats elected unopposed. I just think that you have to be very careful when you put absolutes down. You cannot do that. I also believe - and I have said this before - we have changed the way Constables are elected. One of the criticisms given before was that nobody seemed to know when their Constable was up for election. It is true that previously there was an ad hoc rolling election and because different things happened at different times - somebody might have retired ill or died, unfortunately - things had become staggered. That is no longer the case. From the 2011 elections, every single person who votes in the Constables' election knows when their Constable is up because it is all on the same day and at the moment, unless we change things, it is all on the Senatorial election day. That is another thing that goes by the by. So do we support the Parish system or do we not and do we want to preserve it? There is one thing I can categorically state and that is that I am 100 per cent sure that the Constable of St. Clement and I both totally and utterly believe in the value of the Parish system. I am just watching to make sure he is nodding his head just to be sure. The only difficulty we have is how best to preserve that. I think we would agree on that. Deputy Maçon said the role of the Constable is administrative. The Deputy of St. Mary said - let me just find his words if I have them - the Constables do 2 different jobs. They are completely different. I should know. I have done both. Let me tell Members also the other job I have done of course is Parish secretary so I know all about Parish administration. I know about it from the ground up. I can tell Members there is no similarity whatsoever between being Parish secretary and Parish Constable. It is a completely different job.

**The Deputy of St. Mary:**

Can I just ask for a point of clarification? I do appreciate that. I just want to ask whether for most jobs if you are doing 2 jobs you would have to go through 2 job application procedures.

**The Connétable of St. Mary:**

I really do not think that is relevant. I applied for both jobs at the same time and I was given both jobs at the same time. There you go. As a Constable, I have to say the thought that went through my mind when I decided to go for Constable is why would I do it? Why? It is everything political that I had before. It is all the Parish community work that I had before and more. It is all the supervision, the responsibility because the Constable is absolutely responsible for quite a number of things. It is all of that. I do not get any more money. Why would I do it? The answer of course is because it is a job that I love and it is a job that I know I can do. Many, many people multitask. Deputy Martin raised a particularly touching point. She said: "This time next week half the Constables will not be here because of the branchage." No. For a start the branchage is the first and second weeks of September. But I know when the branchage is and thanks to P.P.C. I know when the States sittings are. It is not beyond the wit of man to organise it so they do not fall on the same day. **[Interruption]** No, not root and branchage reform, Deputy, and I am grateful for that. So I am sorry but saying that time management is an issue really is not an issue. I think that anybody who believes that it is ought to look at themselves, how efficient they are in time management and whether perhaps they can tweak it a bit and ought to look at the fact that there is absolutely no bar in this Assembly, and it is a completely different issue on having an outside job and being a States Member. I am not raising that as a plus or a minus. I am just saying that many Members in this Assembly have to manage their time and most of us do it efficiently most of the time. I would say I am not just an administrator. The mention of the Constable of Grouville up on the float made me laugh because of course being up there and doing all these things is very much a part of the Constable. But you are not doing that just for the fun of it. You are doing that because while you are in that situation, people talk to you. While you are doing these community activities, people take advantage of having you in a non confrontational situation, of having you available to talk to informally, casually. Quite often people will say things that are on their minds that they would not dream of bringing to the Parish Hall or to their Deputy in a rigid situation. But they will let slip something that lets you realise there is a problem and you need to address it. That is something that you cannot undervalue. It is really vital. While you are a Parish Constable you are approachable all the time and in every situation. You are also opened up to many situations in a unique sort of way. I think that should not be underestimated, the constant communication with parishioners throughout the community. We do not only deal by reacting to problems. We are there before the problems get to be problems. The Deputy of St. Mary did make a couple of comments. I am sorry to pick him out but he made some very interesting points. If I do not address them now I think it is quite difficult to see when they will be addressed. He said if you only had one person, who would you call, who would you contact? You could not cross the Parish boundary. I beg to differ. I have been a Parish Deputy and I worked for people right across the Island. I do not know one single Member who does not. The fact of where you are elected bears very, very little relevance to the people that you help. You help people across. Here I will just mention some particular criticism that Deputy Trevor Pitman raised about my having mentioned that he did not live in his electoral district. I did try and rise yesterday to correct what I consider to be his misunderstanding of what I said. What I was trying to explain then, Deputy, while I have the floor now, was simply that people do not have to live in their Parish to represent. It was not a criticism. It was simply stating the fact. He is not alone in that. But I think he completely misconstrued my comment which I think is unfortunate. To seek the office of Constable without wishing to take part in the Government of the States is really to deny your parishioners with direct representation. It is not something that I think would attract many votes. I echo the comments that other people have made and I doubt that there is a huge pool of people out there who only want to do one part of the job. Would we really want to go back to when it becomes a retired, part-time position for somebody who really perhaps is ... we used to have a situation where we used to say it was only the landed farmers - the landed gentry

- who became Constables. Of course that is long gone. As an illustration, we do not have the baker. We do not have the candlestick maker. We have only got the Butcher in name. **[Laughter]** But we have a Parish secretary, a fireman, a banker, a teacher/writer. We have a human resources person. We have many retired businessmen, proprietors and we do have 2 farmers. We are incredibly representative of people in general. There is no specific requirement of what you have to have done to become a Constable. There is certainly in this day and age no specific requirement to have, as one speaker said, worked your way up through the ranks of the honorary system. That is a completely laudable way to go but it is not the only way. I stand up for the honorary system. It is a fantastic system. But it is not a prerequisite for becoming a Parish Constable. Sir, I am probably am going to speak for a few more minutes. Would you prefer to propose the adjournment, Sir?

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

Very well. We will adjourn until 2.15 p.m.

## **LUNCHEON ADJOURNMENT**

### **PUBLIC BUSINESS - Resumption**

#### **The Connétable of St. Mary:**

I have not got much more to say but I think it was worth having the break. Really to draw it to a close, what I am concerned about personally about the Constable of St. Clement's proposition is it really fundamentally does not address 2 of the major issues raised by the public. It does not give us an Island-wide mandate or a broad mandate. As has already been pointed out, it very greatly restricts the number of Members that the public can vote for. It does not address the imbalances in the constituencies. I think the Constable used a very neat turn of phrase when he acknowledged that. I do not have it to hand. He said something like it is just a mathematical inexactitude. I think that is a pretty neat way of dodging a really rather major issue that needs full consideration. Something just very briefly about turnout. A lot has been said about turnout in Guernsey being higher and whether that was perhaps due to the fact that Constables were not in and the system was different. I think it is quite dangerous to use that phrase, to say turnout is higher in Guernsey. I think if you analyse it, the turnout fell slightly in the last elections in Guernsey. But of course turnout is a percentage of the people who are registered to vote. We must not forget that the number of people registered to vote in Guernsey statistically is lower than in Jersey. That is a big factor. While we are talking about numbers, I think it is very useful at this point just to analyse for a moment the percentage of the electorate that some of us representative. That is, of all the people who could vote for you, how many did? How did you galvanise your electorate to stepping up to the plate and dropping their ballot in with your name on it? Just out of interest - and you will have to bear with me because you may immediately jump to a conclusion which I think might be wrong - who has the highest percentage of the electorate in the States? It is the Constable of St. Lawrence by quite a margin. The Constable of St. Lawrence and then the Constable of St. Mary. Also very high on the list are 5 of the Constables who have had contested elections. They top it basically. So let us have a look. You may say that is restricted areas or whatever. Let us have a look at St. Helier. When you get down to St. Helier, and I can tell you the Constable of course stands on the whole Parish basis - we know that - whereas as the Deputies stand in districts. But we are talking about percentage of the electorate here. The Constable of St. Helier is much lower with 16.9 per cent. You might think that is pretty dismal really compared to what happened in the country Parishes. It is because it is a town Parish. But if we look at how many of the 10 Deputies in St. Helier could persuade that much of the electorate to vote for them. Constable Crowcroft is 16.9 per cent. I am looking down the list. I would like to congratulate Deputy Southern in his absence for beating the Constable with 17.4 per cent. Deputy Southern is the only one of the St. Helier Deputies to score a higher percentage of the electorate vote than the Constable. That is on a major urban Parish; statistically based district and Parish. I think that you really have to analyse the vote,

for the Constable is a vote which galvanises the people. I think that really shows it. It is a pure statistic. I could give you lots of other statistics. It is not worth it because this is not a competition. We are all validly elected and there is no doubt about that. But I think when you say the people do not want the Constables - if you can say that when in fact the MORI poll show that they do and other research shows that they do - then you need to look at the bare facts and see who it is who gets the people to turn out. Take the Constables out of the equation and I think you will reduce turnout. You will not increase it because we are apparently, from the statistics, a contributory factor. You could say that the 4 Constables that were elected in the Senatorial elections rode on the wave of that but you cannot say that for the Constable of St. Helier who was elected at a separate time in a separate election. I think really you need to look at that. Basically as for inequalities, there is no point going ahead again. We are not talking about representatives per head of the population. We are talking about one representative per Parish body. It has already been said in other systems which are not unicameral. This is not uncommon and it really is not totally alien to have it here. The Deputy of St. Mary said we should have more than one entry point. We do if we retain the Constable and the Deputy, quite clearly. I would also like to close on something that the Deputy of St. Mary and I seem to be in complete unity about, which I think is a very positive note to finish on. I think to paraphrase him, I think the gist of it was that the Constables need have nothing to fear because he believes the people were happy to elect Constables as political representatives. That part is a direct quote. Good because that is exactly what happens now so why on earth would anybody want to change it?

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

As usual I will be precise and concise. Of all the parishioners who have spoken to me, the overwhelming majority wish to retain the Constables in the Assembly. But it is not every day that I tend to agree with the Constable of St. Helier, but I do today. I believe that Constables must be in the States to put the case of their Parish forward but they must also be in the States to be held accountable for their Parishes. If a Constable were not a Member of the States then that Parish I am sure would be put to severe disadvantage. Having half the Constables in and half the Constables out of the Assembly I do not think would work at all. They need to be either in or out. Super constituencies I would not be in favour of because in St. Saviour, for instance, it would run from the Dicq down in Grève d'Azette to way up the top end of St. Martin which would be out of the question. So I am not in favour of the super constituencies. As regards to duties of Constables, I was warned, if you like, some time ago before being offered the post of Assistant Minister for T.T.S. (Transport and Technical Services) that it was a poisoned chalice. Had I thought for one moment that the Constable - now a Minister - was not up to the job then I certainly would not have accepted the post of Assistant Minister.

#### **1.16 Deputy S. Power of St. Brelade:**

I will be brief. Not as brief as Deputy Lewis but I will be brief. I was genuinely concerned to hear Deputy Le Claire speak this morning about his Polish constituent and this unsuccessful operation on his varicose veins. Certainly it contrasts with my experience of the Polish on the Island, particularly the female Polish on the Island. The last thing I would comment on was their lack of varicose veins in that age group. **[Laughter]** Electoral reform of the States, we are not just dealing with how this Assembly works. We are dealing with the fabric of the Island. We are dealing with the culture, history and inheritance; the very tapestry that this Island has been built on going on for 800 years now. We peel away a layer of this at our peril. We have to be very careful how we deal with our inheritance which is this Island's history. Even this very Chamber we sit in has been passed on to us and we must pass it on in a fairly good way. I am in favour of some electoral reform but, as I have said, I am not in favour of changing that that has been enshrined in the past and that we use in the present and hopefully pass on to the future. I ask a question of the Assembly. What is the test of what is broken? What is the acid test as to what is wrong with this Assembly? The Constable of St. Mary has alluded to representation. We have various reports in front of us to

deal with voting standards, voting statistics. We had a reference by my colleague in St. Brelade, Deputy Tadier, this morning to the Deputy of Trinity and her election. But I have to say, responding to Deputy Tadier, that the Deputy of Trinity was elected by the parishioners of Trinity. She was elected twice by the parishioners of Trinity. There is no flaw. There is no fault. There is nothing wrong with the way that happened. The fact that she was unopposed is irrelevant. She was elected by the parishioners of Trinity and there is nothing wrong with that either. Sometimes I wish St. Brelade was a little calmer and more similar to Trinity when I have fought 15 in 3 and a half years; 15 different candidates for my seat. Sorry, 7 in 2005 and 8 in 2008 for 2 seats. I want to compare a little bit of what we have in this Island - its fabric, its political history - with some of what happened in Ireland. You may think there is no comparison between Ireland and Jersey. Well, there is because the Irish Government has spent a huge amount of time, energy and money in the last 60 years reinstating areas of Irish music, Irish language, Irish sport, Irish culture and Irish history that were peeled away during 400 unfortunate years of history. Also having spent a considerable amount of time in my life commuting to the United States, you meet any self-respecting American and they cling to their Irish roots, their Polish roots, their Welsh roots. I come back to what I say. This is not just about electoral reform. It is about passing on Jersey in its present manifestation; its electoral system, its place names, Parish honorary system to the next generation and we tinker with it at our peril. I for one will not be supporting this amendment by the Constable of St. Clement. I have no trouble remembering who he is and where he represents. I look forward to getting to the vote as soon as possible.

#### **The Bailiff:**

I call upon the Constable of St. Clement to reply.

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

This morning a number of Members used a technique of using quotations. I am not going to be outdone. I am going to use a quotation from that well-known 20th century singer, songwriter and philosopher, Frank DeRone. He once said: "Show me the way to go home. I am tired ..."  
[Laughter] There are a number of strands. I have amused the Home Affairs Minister, I am delighted. A number of strands have run through this debate and quite a number of red herrings. But one of the things which some Members made a major point about was proportionality. In my ideal world, elections would be about one man, one vote. Of course currently as we were reminded this morning we have between one man and 14 votes and one man and 17 votes. The proportionality of States Members must improve with amendment based on the number living in each Parish with the deviance being St. Mary, St. John and perhaps Trinity, who under strict mathematical exactitude should only have one Deputy. But that is the price to pay I think for fair representation. Under the Privileges and Procedures Committee's proposals, some of those Parishes, particularly the small ones, may have no representatives living at all. As I said in my opening remarks, if we go for these super constituencies - these large constituencies - the will of the larger Parishes will dominate those of the smaller ones. That cannot be right. St. Clement currently has 2 Deputies. Under this amendment it is likely to go up to 5. Possibly though the Parish will be divided into 2 constituencies, as already happens in St. Brelade, St. Saviour and St. Helier. But the important point is the representation in St. Clement and, therefore, almost all of the other Parishes would go up. The Parishes would be strengthened considerably. That is an important point I think. I will just return to one or 2 comments that were made by Members. Obviously I am not going to go through all of them because there were many points which were the same points which were made only in different ways. Deputy Maçon considered that I was brave to bring this amendment. I am flattered and I thank him for that comment although I am not quite sure why he thought I was being brave. Perhaps he thought that I run the risk of being ostracised by my fellow Constables. So far that is not my experience. I am still getting my daily fix of jelly babies from the Constable of St. Saviour. The Constable of St. Martin for the first time ever this morning offered me a cigarette [Laughter] and next week I am hoping to take the Constable of St.

Mary out for dinner. **[Members: Oh!]** Deputy Le Claire made a speech this morning which he described as not easy to deliver. I can say to him it was not easy to listen to either. **[Laughter]** I can assure him whether the Constables are in the States because of their office or not, the colour of the Islands on European Union maps will not change. That is not a matter the Constables have any influence over whatsoever. But the Deputy did fall into the trap which many Members and probably myself as well often fall into. He is saying this is not what the public want. How does he know? How do I know? How do any of us know? If we knew, why would the Privileges and Procedures Committee be saying let us have a referendum on this issue? Let us really find out what the public want because we do not know. The Chief Minister said this yesterday. You could have up to 80,000 different opinions. That is why we must lead. We must be clear. We must say what our preferred option is if we want to have reform. We have spoken about the MORI polls. Whether there are other polls. There was a huge amount of consultation. We went through weeks and weeks and years of this consultation. The polls and the consultation, the results were undoubtedly contradictory. No question that on the whole Islanders would like to see fewer States Members. I think we can accept that is something that, generally speaking, people would want. But they also want to keep their 12 Senators, their 12 Constables and they do not want to lose any Deputies. There is a huge contradiction there which we have got to deal with. That is one strand. We have got to face up to the fact we cannot have it all ways. The 2 strands that came out, as I mentioned in my opening remarks, were a 4-year term is perfectly acceptable and people want a general election. We cannot have a 4-year term if we retain the Island-wide mandate. We know that is simply impossible because you would have no people standing for Senators. What would be the reason for going through an expensive, time-consuming, exhausting Island-wide campaign to have nothing more than you would have by running as a Parish Deputy? It does not make any sense. A general election, as I again mentioned in my opening comments, you cannot have a general election where you have 3 or even 2 types of Member elected on a different basis. A general election means all the Members are elected on the same day, the same length of time and on the same basis. I was delighted and not surprised of course that a number of Constables spoke during this debate. The Constable of Grouville huffed and puffed and said nothing. **[Laughter]** The Constable of St. Brelade margined on being a little bit rude to me which pleased me because my dad always told me that if someone is rude to you in a debate they have lost the argument. **[Members: Oh!]** There were some spurious, spurious comments by one or 2 of my other colleagues. The Constable of St. Helier made a very good, passionate speech but he was worried about how this would affect the Comité des Connétables. It would not affect it at all. Everyone elected as a Constable would sit on the Comité des Connétables who would make the same decisions as they make now and implement those decisions as they do now. No difference whatsoever. There would be more Deputies in his Parish, in my Parish, in everybody else's Parish to fight for the parishioners needs and wants within those Parishes **[Approbation]**, one of whom is very likely if he wishes and it is a wish to the electorate will be a Constable as well. You get the best of both worlds. He talked about the wonderful things that happened in the 1800s and the wonderful things that are done now. All those things will carry on because whether a Constable is in the States as a Deputy or not, he will still have access to Ministers. He will still have access to officials. It will still be the highest and most honourable post in the Parish. It is a tremendous honour; a big responsibility but it is a big honour to be elected Constable whether in the States or not. The Deputy of St. Martin was worried about the Firearms Law and the Sunday Trading. Sorry, the Connétable of St. Martin. I do apologise. I do not know what the Deputy of St. Martin is worried about. **[Laughter]** The Constable of St. Martin was worried about the Firearms Law and the Sunday Trading Law. It is not the Comité des Connétables who administer those laws. They administer the laws to a degree but it is the Home Affairs Minister who promulgates the firearms law. It is the Economic Development Minister who promulgates the Sunday Trading Law and the regulations that go under. It is the Constables who do the administration from the Parish Halls. Nothing will change in those areas. The Constable of St. Saviour, I think he was thinking we were going to have 2 different election days. Maybe we will but my initial reaction was I



thought we would have the Constables and the Deputies elected on the same day. There seems to be no reason why not although it might be nice to move the Constables election to the springtime when you get even more people out. But if they are on the same day it means one election leaflet, one election poster and perhaps 2 hustings. Not too bad. Surely not too much to ask for for being elected to 2 different, important posts. The one Constable who really perhaps not surprised me but disappointed me was the Constable of St. Ouen who used the phrase: "This is creating a hole in the boat." I do not understand that because I really believe that my amendment supports the Parishes, makes the Parishes stronger. It keeps the Parish Deputies not creates a lot of little, mini Senators running about in super constituencies. It keeps the opportunity for Constables to sit in the States, those who wish to. Mine is the only proposition before us in the series of amendments today which strengthens the Parishes, strengthens the Constables and enhances the status of the Constables. The Privileges and Procedures' proposition keeps the Constables in the States but destroys the Parishes. The Deputy of St. Martin's amendment removes the Constables from the States and then destroys the Parishes and, despite what it says in his report, gives the Constables no way back into the States. That is terrible. As I say, mine strengthens the Parishes, strengthens the role of the Constable. More representatives in every Parish gives the opportunities for candidates for Constable to choose whether they stand for the States or not which will widen the net of potential candidates. I repeat again there are people - very good people, very well qualified people - who would love to do the job of Constable or be given the opportunity to stand for the job of Constable but will not while they have to sit in the States. The candidates will have the choice and, even more importantly, the electors of the Parishes will have the choice of whether they want their Constable to sit in the States or not. My amendment is the only one which offers a true general election and has true democratic validity. I maintain the amendment and ask for the appel, Sir.

#### The Bailiff:

Very well. The appel is asked for in relation to the amendment lodged by the Connétable of St. Clement. I invite Members to return to their seats. The Greffier will open the voting. If all Members had an opportunity of voting, the Greffier will close the voting.

<b>POUR: 14</b>	<b>CONTRE: 33</b>	<b>ABSTAIN: 0</b>
Senator A. Breckon	Senator S. Syvret	
Connétable of St. Clement	Senator T.A. Le Sueur	
Deputy R.C. Duhamel (S)	Senator P.F. Routier	
Deputy of St. Martin	Senator P.F.C. Ozouf	
Deputy R.G. Le Hérisier (S)	Senator T.J. Le Main	
Deputy J.A. Martin (H)	Senator J.L. Perchard	
Deputy S. Pitman (H)	Senator S.C. Ferguson	
Deputy M. Tadier (B)	Senator A.J.D. Maclean	
Deputy of St. Mary	Senator B.I. Le Marquand	
Deputy T.M. Pitman (H)	Connétable of St. Helier	
Deputy T.A. Vallois (S)	Connétable of Trinity	
Deputy A.K.F. Green (H)	Connétable of Grouville	
Deputy D. De Sousa (H)	Connétable of St. Brelade	
Deputy J.M. Maçon (S)	Connétable of St. Martin	
	Connétable of St. John	
	Connétable of St. Saviour	
	Connétable of St. Peter	
	Connétable of St. Lawrence	
	Connétable of St. Mary	
	Deputy J.B. Fox (H)	
	Deputy of St. Ouen	
	Deputy of Grouville	
	Deputy J.A. Hilton (H)	
	Deputy P.V.F. Le Claire (H)	

		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		

**2. Composition and election of the States: revised structure (P.72/2009) – amendment (P.72/2009 Amd.)**

**The Bailiff:**

Then the next matter is the amendment of the Deputy of St. Martin. I will ask the Greffier to read out the amendment.

**The Greffier of the States:**

Page 2, in paragraph (a) for sub-paragraphs (i) and (ii) substitute the words: “49 Members to be known as Deputies elected in 6 new large electoral districts.”

**The Bailiff:**

Deputy, just before you start, if I may. In the previous debate, it seemed to me clearly right that people should be able to range far and wide over the subject matter in order to make sense of the Connétable’s amendment. I do invite Members to consider very carefully how much of that they have to repeat on this matter where the issue on the Connétables must be the same. The only difference in the Deputy of St. Martin’s proposition is the districts as opposed to the parochial basis. I hope Members insofar as they wish to speak on this amendment will perhaps exercise restraint in concentrating on that area.

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

I hope I will set an example for the rest to follow in this speech because I do not think anyone has been convinced by any of the speeches that we have had so far and I do not know if we are going to be convinced by any speeches that follow. I think people have come here with a predetermined idea of what they want to support and what they do not. I shall not be very long in my speech because I have always believed in one class of Member, one general election and one 4-year term. The Connétable of St. Clement and I are very close to that. In actual fact I am going to compliment him because I brought the proposition he brought to the House about 4 or 5 years ago. He voted for it and I voted for it and we got 5 votes. We are getting a measure. We are getting there. Who knows? Now I have 14 people converted. I have always wanted the one class of Member. The purpose of my amendment was to make sure there was an amendment on the table so we could have a debate. Having been convinced by the argument that P.P.C. have put in their report, I thought it was obviously important that we have a choice so I will go for what I want: one class of Member, one election and every 4 years. There we have it. I am not going to spend a lot of time. I think the Connétable of St. Clement made a brilliant speech on why we should only have one class of Member. Members, will you please remember that brilliant part of the speech and forget that part he said about he did not want the district. The Chairman of P.P.C. made a brilliant speech as to why we should have the districts. Members, will you please forget what she said about why we should have Constables in. Therefore, we have 2 brilliant speeches on that point of why we should have a single Member in a district. That is quite simple. I have always believed in one class of Member. What I am proposing gives the opportunity of having one class of Member at one 4-year election and of course one general election. Just to add one thing really. What I will say about P.P.C.’s approach, it is a 2 step approach because the Chairman, as she said in her speech and also

in a report, that maybe in a few years' time we will come back and we will revisit the issue about the Connétables. Really I do not think we ever will because I think it would be the same thing in years to come. I think some of us who have been in the House that long that we certainly know that to get people convinced they have got to come in to think there is something in it for them. I am sorry, the way things are the decision is going to be made for us but we have got to allow that decision to be made for us and we are not going to agree to that either. With that I propose my amendment and ask Members to be very sparing in what they have to say so it can go to the vote.

**The Bailiff:**

Is the amendment seconded? **[Seconded]** Very well, does any Member wish to speak on the amendment?

**2.1.1 The Deputy of St. Mary:**

This is very, very odd. We have spent 3, 4 hours debating the Constable of St. Clement's amendment and quite right too. When the Deputy of St. Martin brings his amendment, everybody goes "I do not want to talk about that any more". What is this all about? Are we all rushing to P.72 so that we can get that through? It is not right. Anyway, to do exactly the same as with the last amendment. Proportionality? Yes, obviously it ticks that box. It is bound to be more proportional than P.72. Presumably, P.P.C. can come up with the necessary proportionality and work out the districts correctly. Representation? There is a problem that there is no Parish link any more but there you go. You cannot have everything and you do have more representation. No, you do not. You have slightly less than P.P.C.'s because you do not have the Constable. No, you have the same. No, you have more because there are 7 or 8 Members per constituency. So it is less than any solution with Senators but it is enough. It is a fair representation. Involvement? Here the Deputy of St. Martin was sparing in his comments but that is the problem with this amendment, is it not? The evidence from Guernsey is that the turnout ... it is a correlation. It is not a proof. But the fact is that with multi-Member constituencies in Guernsey the turnout is substantially higher than here. Whether that is a comment on something about the Guernsey political system or whether it is a comment about the nature of the constituencies would be very hard to determine. But there is not any evidence that it depresses turnout, so you are sort of home there on that note. But the real problem is when we come to look at the elements and you go through the elements and, as I said in the last debate, the general election, the term of office are the same with all the amendments so there is no comment to make. But the issue of the constituencies and the mandate and what people think about it, again you have to go to page 12 of P.72's original report. I would suggest to Members have a look at it just to remind themselves because that really does make this amendment very doubtful. I mean I personally think that it is better than what P.72 offers but when you look at this chart you really have to wonder whether this will get past a referendum. Maybe the proposer can comment on that because when in MORI 2006 the public were asked how they wanted their Members in the States elected, the fourth most popular option was all Members should be elected on a local basis with larger constituencies than the Parishes or districts; about 7 per cent. It is not a ringing endorsement. The only crumb of comfort for the Deputy of St. Martin is that in MORI 2007 which I have already said was a highly flawed poll because it started off with option one as electing 30 Senators all at once at a general election which is physically pretty well impossible. People were being asked to evaluate scenarios, some of which were impossible. But, nevertheless, the third most popular was the Deputy of St. Martin's. It came above P.P.C.'s, for what that is worth. It came substantially above. I think 17 per cent to 11 per cent, if I remember correctly, as the single most preferred option. So there is a margin of preference there with the public as far as we can determine from MORI 2007, which is not a very good poll, and certainly with MORI 2006 which was a valid and valuable exercise. Quite clearly this option has real problems of public acceptability. I think Members might want to look at that. But what we are doing now is evaluating this against P.72. I just think that it is better than P.72 for the many, many arguments

that were gone through in the previous debate with regard to the different classes of Member and what they do in the States. I am going to support this but with reluctance.

### 2.1.2 Deputy M. Tadier:

I will just speak, seeing as nobody else feels like it. Maybe it will spark some debate. Who knows? The reason I get to my feet is simply to say I think it is a myth to say that the Parish system under either model, whether it be the one that we voted against just a moment ago or under the Deputy of St. Martin's proposition, that the Parish system is going to wither and die. It is questionable at the moment to what extent we have a healthy Parish system. Obviously somebody who works as a Constable or as a Centenier as a Parish secretary I am sure would defend that we have a very active Parish system. That is understandable. If you are at the coalface every day dealing with Parish issues then you will perhaps think that the Parish is in a healthy state. But who has been to Parish meetings recently and who turns up to these things? It is usually the Deputies. I guess certainly we have fairly good meetings in St. Brelade. I know they are well attended by the 3 Deputies and by a couple of the Senators who live in our Parish. That is all well and good. They are also attended by the Roads Inspectors, by the Centeniers, by the Vingteniers and by all the entourage that normally goes with a Parish. That is not in my view necessarily a healthy Parish system. Where are the people at the rates meetings? We had a rates meeting not so long ago. This is not a criticism of St. Brelade in any way because I think this is indicative of what happens in the Island in general. Decisions are made about increasing spending and increasing the rates without any real indication of the parishioners. Maybe parishioners should take a greater interest in what goes on in the Parish. I think that is something we would all agree on from whichever side of the House we are looking at this. But I do think it may be counterintuitive but if we vote for this proposition which the Deputy of St. Martin is putting forward, there is a strong argument that it would strengthen the Parish system. How would it do that? First of all, if the Constables were removed from the States *ex officio*, so they do not have necessarily an automatic place in the States, presumably that would give them a lot more time to do the very important work that they are elected to do in their Parish; be that to sit on floats - as Deputies can also do incidentally - or be that to run the Parish from their office which they have at the Parish Hall. I am sure that if we look at the rectors because the rectors were removed - I believe was it 1948, again correct me if I am wrong. It was 1948. Thank you for that direction from the Chair. I can hear the same arguments being made today to keep the Connétables and presumably similar arguments to keep the Senators as were probably made in those days to keep the rectors. If you get rid of the rectors it is going to make the church system and the whole Parish system which revolves around the church weaker. Has that happened? You could argue I guess as society has changed that churches and religion may have become weaker. But it is certainly not because the rectors are not in the States. I think if anything, rectors also lead very busy lives in their Parishes involved with the churches. As we know there are lots of good things which go on in church buildings, not always religious either, which are often very buzzing. I do not think it is true simply to say that because one type of States Member is removed from the States, the administration that they represent is necessarily going to be weakened. In fact I suggest that it would be stronger. If you support the Parish system, by all means vote for the Deputy of St. Martin's proposition. If you do not think that you should be spending more time in your Parishes then do not vote for it. Incidentally, I am sure we could arrange for the Constables to be paid. That has not been spoken of yet but that is the elephant in the room. We would make sure in our individual Parishes that you do get paid for your work. We have spoken about the rectors. It is interesting to see that vote. I ask for a very specific reason that those who voted against be read out because we heard the 14 I think it was, which is the usual 14, consisted almost entirely of Deputies, did it not? That is probably not surprising because turkeys do not vote for Christmas. I think there was one Constable and we all know who that was. A fortuitous by-product of the fact that I did ask for the vote to be called is that we saw that in fact one Member who was not in the Chamber had voted. **[Laughter]** Obviously I could not foresee that but that was purely serendipitous. I presume that was to do with an error with the button. Let us make a suggestion. How about this time round

we only allow the Deputies to vote? I suggest that all the Senators and all the Constables abstain from voting and let us give this a real chance to get through. I leave that for Members to decide. I will not propose it formally.

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

I am a little curious why we are having the debate again. It is a bit like Groundhog Day. **[Approbation]** Perhaps the Deputy of St. Martin would explain when he sums up why he did not withdraw his proposition, given the very full discussion of the Constable of St. Clement's proposition which does seem to me to be very similar. We do not really want to have a debate about the removal of the rectors who, of course, were never elected. But rather than prolonging this debate when we have so much business to get through, I would suggest that we bring it rapidly to a close. All I wanted to say in response to Deputy Tadier is of course that the Parish finances are scrutinised by as many members of the Parish who want to come and do so and as many members of the Parish who want to come and trim the budget. This is not a facility that is presented to the general taxpayer by the Council of Ministers.

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

Just very briefly. I feel I must speak out of courtesy if nothing else to the Deputy of St. Martin. His amendment is to a proposition from my committee. Of course this proposition hinges on large electoral districts being accepted – bare, really, with nothing else. We have already heard that this is the logical solution. We have already heard that this is not a popular solution. It is not popular with the public, as evidenced in consultation. It is not popular with many Members here, as evidenced by the way they have already spoken. P.P.C. felt, in the round, that the only way in which this logical solution to disparity could be brought about and in a way that everything that is good about our traditional Parish arrangements and our traditional systems can be taken forward and, yes, perhaps I say even enhanced was by the retention of the Connétables. This really is the worst of all situations. Where there is no Parish representative, there is no Connétable. For that reason I stand by my committee's original proposition.

### **The Bailiff:**

I call upon the Deputy of St. Martin to reply.

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

Can I thank the 4 speakers and maybe I could start with the Constable of St. Helier. The reason I have not withdrawn it is because if you listened carefully to what I had to say, I said I would hope that Members would not have to speak too long but at least test what sort of measurement there is for this type of amendment. I think this is a useful exercise because at least you will get some idea of where people are and where they are going. If indeed this gets blown out of the water, probably like everything else will be, at least we know that we have got to come back with some completely new ideas and not go back to whether we want Constables, Senators, so I think it is important because ... unless of course he is now going to suggest that P.P.C. withdraw their amendment or proposition so we will not carry on anything because I think we are going to end up, like I said, when I began my speech, we are not going to get anywhere anyway because I do not think any of them will get through. But, again, thank the Deputy of St. Mary. He thinks this is probably better than P.P.C.'s and wondered what referendum will come about, but I do not honestly think the referendum will be put to people anyway. I am sorry to be negative, but that is ... I do not think there is really much more to add. People know if they want this particular style of former government or future government, to have the opportunity. It is what P.P.C. wanted except that the Constables are not in it, so it obviously has partial support from P.P.C. but that is it. All I can do is thank those Members who listened and those who have stayed, and could I ask for the appel.

### **The Bailiff:**

The appel is called for in relation to the amendment proposed by the Deputy of St. Martin. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 6</b>	<b>CONTRE: 37</b>	<b>ABSTAIN: 0</b>
Deputy R.C. Duhamel (S)	Senator T.A. Le Sueur	
Deputy J.A. Martin (H)	Senator P.F. Routier	
Deputy S. Pitman (H)	Senator P.F.C. Ozouf	
Deputy M. Tadier (B)	Senator T.J. Le Main	
Deputy T.M. Pitman (H)	Senator J.L. Perchard	
Deputy T.A. Vallois (S)	Senator A. Breckon	
	Senator S.C. Ferguson	
	Senator A.J.D. Maclean	
	Senator B.I. Le Marquand	
	Connétable of St. Helier	
	Connétable of Trinity	
	Connétable of Grouville	
	Connétable of St. Brelade	
	Connétable of St. Martin	
	Connétable of St. John	
	Connétable of St. Saviour	
	Connétable of St. Clement	
	Connétable of St. Lawrence	
	Connétable of St. Mary	
	Deputy R.G. Le Hérisssier (S)	
	Deputy J.B. Fox (H)	
	Deputy of St. Ouen	
	Deputy of Grouville	
	Deputy J.A. Hilton (H)	
	Deputy P.V.F. Le Claire (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy of Trinity	
	Deputy S.S.P.A. Power (B)	
	Deputy K.C. Lewis (S)	
	Deputy I.J. Gorst (C)	
	Deputy of St. John	
	Deputy A.E. Jeune (B)	
	Deputy A.T. Dupré (C)	
	Deputy E.J. Noel (L)	
	Deputy A.K.F. Green (H)	
	Deputy D. De Sousa (H)	
	Deputy J.M. Maçon (S)	

### **3. Composition and election of the States: revised structure (P.72/2009) (continued)**

#### **The Bailiff:**

We return therefore to the main proposition lodged by the Privileges and Procedures Committee and that is now open for debate. Does any Member wish to speak on the main proposition? Does no Member wish to speak on the main proposition?

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

I just watched to see if any other lights would go on. I think the public are being let down. I find it ... well, there is one other who is going to speak. **[Aside] [Laughter]** I love it. Very good. You cannot beat Deputy Le Hérisssier, can you? **[Aside]** That is why he is not contested. So, I mean I find this rather difficult. You go down to collect your notes and then you find you are on

straightaway. But my first reaction when I read this report and proposition was dismay really. There is a lot wrong with this report but to start, I suppose, with my main point. The main driver seems to be that the public are dissatisfied and P.P.C. refer to this, I think, in paragraph 1.6 they say that the public may be sceptical about the performance of the States and they mention the problem of the present low turnouts. They kindly give us figures of turnouts elsewhere in Guernsey and in the Isle of Man, which show that indeed Jersey's turnouts are a real problem. We cannot go on like this, one might say. But then you have to question what they then say about those turnouts, because if you have got low turnouts and if you got low public satisfaction then perhaps you should ask some questions. But what P.P.C. say at paragraph 2.7: "It is apparent that there is no one single reason for declining voter turnout and it is of course a feature of many western democracies that turnout is falling." That is a fair point. But they are saying that there may be many reasons. Then in the next paragraph, 2.8, on page 7 they say: "Although P.P.C. accept that there are no doubt very many reasons why voters in Jersey do not vote in large numbers" and then it says: "From the committee's conclusion" and they pin the blame on having 3 categories of Member. Well, I am sorry, there is absolutely no evidence that 3 categories of Member is confusing and there is a fair bit of evidence about what the problem is about this public dissatisfaction leading to low turnout. I think Deputy Le Hérisier - funny how I can call him Deputy Le Hérisier - but anyway Deputy Le Hérisier said that the important thing, according to Einstein - I think it was Einstein, I forget which luminary it was - was to ask the right question rather than go charging after solutions. So we need to ask ourselves just why it is that the public are not engaged with this Assembly. I have a few bits of evidence about this, and the reason that we need to look at this is to ask ourselves the question: "Will this reform make any difference to this question of the dissatisfaction out there?" because if it will not make any difference then what is the rush for reform? Maybe it might be better to take a second look and find out what has gone wrong. Why the low turnout and why this dissatisfaction? I went to the meeting of the States workforce a couple of days ago and there was a refrain there ... a number of us went of course, a dozen of us went. Those who went will remember the main refrain: "They do not listen. They are out of touch." Could that be nearer to the reason why we have a problem with turnout and public engagement and faith in this Assembly rather than tinkering with the voting system? It occurred to me as I listened to speaker after speaker say that the States did not listen, that they were out of touch and most tellingly that an example of that was the unilateral decision by the Council of Ministers to impose a pay freeze, which is the ultimate in not listening. You do not even ask the question, you just impose the pay freeze. My mind went to Ramsar where the people who know most about the environmental issues concerning the marine environment were excluded from the consultation. My mind went to the Depositor Compensation Scheme where the only people who are consulted were the bankers. We have talked to the small businesses; the depositors, there was no public consultation I believe. So you listen to the people who might give you the answer that you want or if, in that case, you could argue the main stakeholders, the people who are delivering the service, but the fact is, it is a Depositor Compensation Scheme, not a Bank Compensation Scheme. So once again, the people who were missing out, in this case the small businesses, were not asked their opinion and the comments of the gentlemen from the small businesses sector were very telling at Scrutiny about how they felt about Government. Then there was the fishing bag limits, and I am sorry but it is a long list and again there was no consultation with the anglers affected, 1,800 of them, no public consultation. Then you go, of course, to G.S.T.; 19,000 signatures disregarded; the Millennium Park, which we are now told is going to be a millennium building development. The public, if you ignore them long enough, they will go away. That is what they are doing. They are going away. They are leaving the voting booths, they are not voting, they are not engaging, and we have only ourselves to blame. Now that is not the only issue. There are broken promises. What happens when they vote for people who then turn round and do the opposite? How can they be expected to turn up again and vote? Again, the example obviously is G.S.T., I have no doubt there are others, but G.S.T. where anyone could see that the world was in economic meltdown, that the situation was volatile, and yet candidate after candidate said that they would vote against the exemptions or was it for the

exemptions - for the exemptions - and then turned round and voted against the exemptions claiming that the situation had changed. I am sorry, it was blindingly obvious that the situation was changing as they made those promises. So we have an Assembly or Council of Ministers, I should say, that makes a habit of not consulting when it does not suit. It is not that we do not consult. Consultation has improved markedly over the last few years. Consultations, Green Papers, White Papers, using the technology, consultation list, we have improved our game, but when we need to consult in a way that might give us the wrong answer, then we do not, and as I have said, the issue of broken promises. Last, but not least, dishonesty. Now, this is not easy to say but there is a real problem with answers to States Members or to Scrutiny or whatever, which are misleading, which aim to conceal information instead of giving it. How can the public take us seriously when in the main population debate, in the Strategic Plan, 2,000 people and the 800 who joined the Island in the following year, were simply vanished from the figures by a sleight of statistical hand, and then in the response of the Council of Ministers, after the event to the Scrutiny Panel's comments on this matter, it was brushed aside. It will not do to debate such an important issue on the basis of figures that are based on 2 different baselines, 2005 and 2009, so that we do not have the full picture in front of us. What are they supposed to think out there about the way we conduct our business? What about the Minister for Treasury and Resources answer today, the written answer to my question about the exact figures about the losses on the incinerator where the Minister took great care not to mention any precise figures but to refer us and, by extension, the media and, by extension, the public to an already written document by the Comptroller and Auditor General. I asked for figures, I did not ask for references and it was not difficult to say £3 million plus £5 million plus £3 million equals £11 million. But you do not get the information because we do not want you to know. There was the little question of La Collette, around the pollution at La Collette, where the House, in my view, was ... well, we were certainly misled, the question of whether it was delivered or not, obviously the jury has to be out, but we were misled. The question of the peer review where we were strung along and we were not able to have any independent investigation of the costs of cancelling the incinerator, and it goes on. So we really have to ask ourselves whether this debate on electoral reform is getting to the button. P.P.C., by suggesting that this was the main sort of motive, rather beg the question because they did not do any kind of research. They did not ask, they did not again consult. They said the research had been done already. But if the main point, the main driver as well, the public are not quite happy they need change, then you should find out what exactly is the problem out there to see whether you can do something about it. The other driver for change is of course the unproportional voting system, and they are quite right. They do point this out. They say the present system, I think, is unacceptable, which it is. But that is not a reason for proposing something that is so flawed. There are some very curious argumentation in the report accompanying P.72, some very, very odd arguments indeed. Just to refer to some of them, if Members would like to turn to the discussion on constituencies, which I have referred to quite a bit but I think it is the most important thing we are talking about, is what kind of categories of Member does the public suggest that they would want in this Assembly, MORI 2006 on page 12, they asked that question and 46 per cent said that all Members should be selected on an Island-wide basis. Now, as we know, there are practical issues with that, but it is a steer, it is an indication of the importance of the Island-wide mandate. A further 32 per cent said that some Members should continue to be elected for the whole Island and others on a Parish or district basis. Now that makes, in my maths, 78 per cent, which is over three-quarters of those polled - and again they were corrected by matching to the total Island population, so it is a properly validated sample - 78 per cent of the Island's population in 2006 wanted the Island-wide mandate. That is the single biggest percentage of any choice of the public in any of these questions in MORI 2006. It is bigger than the general election vote of 71 per cent, I believe. If we look down that chart, 11 per cent should be elected on the Constable of St. Clement's version, 11 per cent which we have already rejected, and 7 per cent on multi-Member. But the interesting thing from the point of view the way this report is written is that in the following paragraph, in the text, we have "the findings of the 2006 MORI poll confirmed earlier anecdotal evidence that some electors in Jersey



consider that the current Island-wide mandate is important” - some. Well, 46 per cent plus 32 per cent, 78 per cent, more than three-quarters, is not some. They go on: “This is undoubtedly an indication that many electors consider it is important that all voters have the ability to influence the election of certain Members.” Again, certain electors, many electors, some. But they do not show us, in a nice clear table, what the relative importance of these elements of the various packages is to our public. So, they run this curious argument the whole way through this document whereby it stood on its head and it ends up as the general election is more important than the Island-wide mandate. In fact, the Island-wide mandate is kind of sidelined, even though it is the most important thing to the public. In fact, on page 13 they point out that the single biggest concern of the public about what Members should be doing in the States was that Members should run the Island as a whole. The second most significant role being representing all people in Jersey and only a third saying that the main issue was to represent people in their constituency. So again that supports that evidence, two-thirds of people saying that the main role of Members is to look after the whole Island, which sheds some light on what some people were saying in the previous debate about Parish Deputies looking after their Parishes. Yes, we do. We know where we come from. But, my goodness, the main job is to get the Island’s policies and programmes right. Yet, in this report, it somehow slid over and then we end up with that being sidelined, the general election taking precedence and: “Ah, if you have a general election you cannot have the Island-wide mandate”, and then we have discussed that away and we can carry on with the option that they put forward. But it does not stack up. They started at the end and worked backwards, in my view. It really does not ... it is not a sound argument. Now they say about the length of office on page 15. They talk about allowing the electorate to influence the political process through the ballot box at reasonably frequent intervals. Now, my amendment did have annual elections. This proposal has a general election every 4 years and I think there is a case for having more frequent ... I see somebody nodding and people saying: “Ooh, people cannot be expected to vote at more frequent intervals than every 4 years.” Maybe they might like an opinion to be expressed by them about us more frequently than once every 4 years. I have obviously asked an oral question earlier about the underlying principles about electoral reform, which are curious by their absence in this document, so we are expected to support a reform proposal, which is not based on any principles. Now they are referred to obliquely. You can deduce that representation is important, proportionality is important, involvement is important. If you read very carefully you can more or less choose these factors out. But we were told a few weeks back, before the recess, in answer to my oral question, that the key principles were this strange mixture of what are not principles but are techniques or methods: “A single general election day, Parish Constables remaining as Members of the States and so on. Many felt that there were too many Members in the States.” These are not fundamental principles and if only the report had set out information about proportionality, information about representation, in a clear and simple way to digest, would this not have been an easier debate to follow. There is a lot of useful information here, particularly about MORI 2006 and I thank P.P.C. for that, and I thank them also for being fairly quick on the mark to bring this to the States. But I do have real problems with some of what they say and possibly haste had something to do with it. One example is page 18: “It is clear to P.P.C. that any reform proposals must retain some direct link between Parishes and the States if they are to have any chance of being acceptable.” But is it clear? If you look at the constituency chart that is conditional, it is conditional on also having an Island-wide mandate. So if you do not have ... if you have the direct link then you have got to have the Island-wide mandate as well. It is not really very well argued. I do believe that what really underlies this is a desire to keep the status quo but in the form that suits politically, and I have to say that it is a sad day because what I would like to have seen is a rational - to use that word - a rational analysis of the different aspects of how this should be progressed, and I really do not think we have been given that. I have mentioned before that the Constables being in the States and doing their Parish work are 2 totally different roles and notwithstanding what some have said, the 2 roles require completely different skill sets and I admire anyone who has both, and maybe one or 2 do have both sets of skills, but to have it as an automatic right when you look at the proportionality of

the Constables, it does not stack up. They simply contradict the requirement of proportionality and the way they act in the States, as others have pointed out, we really do want people in the States who will play a full part in every aspect of the work. That is the other point that I wanted to make. That in many cases in this report the Constables vanish from consideration. So, you have, for instance, the advantages of a multi-Member constituency which are correctly listed on page 28. I must say that the multi-Member constituency in terms of intellectual consistency is the right answer. The only problem with it is that the public just do not like it, and they have good reasons for that. But in terms of proportionality it is obviously the right answer. Now P.P.C. list all the advantages of multi-Member constituencies in their paragraph 8.14 and one of them is, it is almost certain that in practice ... I beg your pardon, they are talking about the whole Assembly: "As mentioned in the previous section P.P.C. accepts that the option of an Assembly of Constables and Deputies as at present is a workable option but here are the advantages of large electoral districts. It is almost certain that in practice every election would be contested." Almost certain that every election would be contested and yet the Constables somehow escape, and it is another point in this document. They are talking about proportionality and they point out at 8.7 that a greater mandate would occur than now, there would be an equal mandate, it is likely that all elections would be contested, all residents in the Island would have a similar number of representatives, but the Constables do not figure in the statements. So the multi-Member constituencies are okay for Deputies because we all have to fight for our seats and there is equal representation and it is proportional, but none of these criteria apply to the Constables because the report just does not think they exist. They are outside the normal democratic process and I wish they were inside as both amendments would have brought them inside, and we have lost those amendments, so I just hope that this appalling report and proposition are rejected.

### **3.2 Deputy D.J. De Sousa:**

First of all, I was not going to speak to start with but when I heard the Deputy of St. Mary at the beginning say about people not wishing to speak, that it was disappointing for the public. But a lot of what needs to be said has already been said. Also, there is a lack of respect in the House today that I have not seen for a long time. Even though it is a debate that is very important, all of these amendments and the proposition, but every time certain Members decide that they want to speak there is a real disrespect towards them, and it is really not very good. We are supposed to be here for the politics not the personality. I do want to ask the proposer of this proposition; is she going to take it as a whole or separate issues when it comes to voting because that will make my mind up? If it is going to be taken as a whole I very probably will not vote for it. The case of the Senators is, in my mind, very strong because they are the ones with the Island-wide mandate and there are parishioners that say their cause for concern is that they often do not have anybody worth voting for. I am also concerned that none of the reforms will get through when the J.D.A. manifesto is to bring reform. So maybe we should look, as a party, to bring something back to the House in a future date and try and get that through.

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

I went with Senator Syvret, the former Senator Jean Le Maistre and I believe it was the Constable of St. Clement, to all of the Clothier meeting round-robins where we had the votes as to whether or not Senators should stay and in every single meeting a vote was cast, even in St. Lawrence, when the meeting had finished, and the vast majority of the public that attended those meetings, and I went to all but one, and that was the one at St. Lawrence, the vast majority of the public that attended those meetings, all of them said they wanted to retain the Island-wide mandate. The MORI poll demonstrated it, no matter what the percentage and no matter what the numbers that were interviewed, no matter what year it was done in, they liked the idea of an Island-wide mandate because they had the ability on 2 counts: one to elect somebody in and effectively elect somebody out, if they did not like them; and also increase their representation in numbers in the States. Now a super constituency as proposed by P.P.C. does afford the individual in the community an

opportunity of having a swathe of politicians that they can go to with a particular problem. We had recently an issue in Trinity where the Constable and the Deputy were unable to help their parishioner because they were conflicted. But that parishioner still had 12 Senators that she could call upon for her particular problem. As was the case I experienced on one occasion in St. Peter where both representatives were conflicted and I was called out to help as a Senator. So the public like the ability to be able to call upon somebody they have had a direct input or can have a direct input in voting for. So it just really beggars belief that we are going to go out there and suggest to the public that we should now spend money at a time when there is not any on a referendum asking them whether or not they think we should get rid of the Island-wide mandate, because that is effectively what we are going to do if we approve the P.P.C. proposition. I think really I was a little dismayed when the P.P.C. proposition came along but I thought that it was really just ... first of all it was in thirds. The first third was enthusiasm by the new Members. The second was digging up some of the old ideas and the third was a bit jaded, let us just tick the box, do this and it is buried. I remember quite distinctly being on the Special Committee that I brought a vote of no confidence in, after I resigned from it, with Deputy Le Hérisier who brought very much what we have debated today, and I remember laughing when the Constable of St. Clement had voted for the removal of Senators and looked in shock and horror at Deputy Le Hérisier when suddenly Deputy Le Hérisier stood up to speak about the removal of the Constables as if it was something Deputy Le Hérisier was not going to do, because it was certainly in Deputy Le Hérisier's mind that we should have one class of Member at the time and get rid of Constables, get rid of Senators, have more of a total Clothier approach. But as I have said before, we have cherry-picked Clothier and we have now, without consultation to the public, without a referendum to the public, which was appalling in my view, and I recently was informed about the word "appalling" by Senator Le Main, so I will use the word "appalling". Now we are in a situation which I wonder if we will ever get out of. I really think we are stuck with this system now, and I do not think the current makeup works well in a ministerial system, or vice versa. I do not believe a ministerial system works well with the peculiarity of what we have had for hundreds of years. If ever there was ever any need for evidence about whether or not this was a runner from the beginning, then one has to ask: "Did P.P.C. take it to the Committee of Connétables and get their full support?" Did P.P.C. take the proposition to the Comité des Connétables to get their full support? The 12 Constables in the States and super constituencies. Now, I am hearing from the president of P.P.C.: "Why should they?" I think they should have because the proposition calls for 12 Constables in the States, who have just argued that they should be here because they consult with each other and they do not always vote *en bloc*, but they represent the best of what sort of community and we should ... all the rest of the mantra; 37 Deputies getting rid of the districts and just having super constituencies. Now if I was the president of P.P.C., although I never will be, the first thing that would have been on my public consultation list would have been the Comité des Connétables. How about this for a runner? We have got this idea, we keep all of the Constables, so we have got to talk to 11 more of you, and you are all here at the moment, so let us talk to you; what do you think? That is the first question. Could have batted that round for half an hour and then half an hour later they could have been discussing whether or not it was a good idea to then subsequently keep the districts or have super constituencies. But, no, it was far easier to bring a proposition like this that will do nothing and get nowhere because the Constables themselves will not support this proposition. The Senators will argue that the public do not want to lose Senators and the Constables will say, as usual: "This is one of those tricky ones [as we often hear] because I like the idea of less Members and I like the idea of Constables and Deputies but, you know, we are losing the links of the Parish through the eradication of the districts." So I would suggest that let us just cut to the chase. This is going nowhere. Let us get on with some real business. P.P.C., as in previous applications, have failed again, I am afraid to say. They have given it a good go but they really do need, if they are going to come back with more ideas about electoral reform, they need to get serious. I believe their delivery has been half-hearted, poorly thought out, poorly planned, poorly executed and poorly consulted upon. If you cannot even take this proposition to the Comité des Connétables what chance does it

have because I know, having spoken to some of the Constables in here today, that they are not going to run with it. So what are the chances? We are going to have the Assistant Ministers in the Deputies' ranks knocking it down. We are going to have some of the Constables knocking it down. We are going to have 12 Senators knocking it down. It has not got a hope in Hades.

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

As a member of P.P.C. it is the devil or the deep blue sea again, I am afraid. You start off at the beginning as a new Member. This is a subject that has now come to the States for what seems like near and off 10 years. We have had piecemeal, we have had various options, some various themes. We have had Island-wide discussions. We have had MORI polls. We have had everything. And we have had discussing with the Connétables, and everybody else. We have had in-house meetings, et cetera. But why did the P.P.C. come up with what it did? You have got to bear in mind that the membership of the P.P.C. is wide and represents most areas of this States - the current States, not the previous States. It has also got to be recognised that it takes time to get anything through the States and so if you want to bring something for this session, this 3-year session, you have got to look at what has already gone through what was already discussed. You have not got time to go and reinvent the wheel and keep going round and round and round to see how much things have changed, et cetera. You talk to people. I talk to a lot of people, the Chairman talks to a lot of people, Deputy Tadier talks to a lot of people, Senator Le Marquand, Deputy Judy Martin and Deputy Higgins, and then you come to the meetings and you discuss what is put forward. Now the last thing that was put forward was very similar to this in the last States session which was lost by 26 votes to 21. Now we know full well that we have got 14 new Members but we do not know how they think, which is the point. You discuss, you bring forward, you have a consensus. Still have an open vote because you have got a broad-minded membership of people and you are not necessarily going to have an absolute majority which, in most things at the moment, on P.P.C. are not going to have an absolute majority because of the diversity of its membership in its thinking. But recognising that if you want to consider advancing the change that was recommended under Clothier and the ensuing period of people's ... the States Members over the years thought on change, you have got to do it pretty soon otherwise you are going to run out of time. If you run out of time it will happen like the same as last time. It will have to go into a new session where some people will have retired and others will be joining the States, and there are a lot of diverse opinions. So this proposition was brought up and, without going into all the details that we have heard, we knew very well that there would be amendments brought up. That gives the opportunity for new Members, existing Members, for different positions like the Constable of St. Clement, now he is a Constable and not a Senator, et cetera, who has the opportunity of bringing things forward, which has had, let us face it, pretty good airing in the last day and a half, or it will be in the last day and a half by the time it comes. We have heard the pros and the cons and against and everything. Now it might not get through but at least P.P.C., who was directed to bring to the States a proposition, have brought it to the States in plenty of good time to allow it to come. If it does not go through today, because it is going to need 27 votes to do so on the proposition by, I think, it was Senator Vibert in the last States. So it needs 27 votes. If it does not get that it is not going to get through. But I will guarantee you, by the end of the week virtually someone will come in with a proposition, one of our P.P.C. members, Senator Le Marquand who has already indicated that he favours the 4 year to come in. He was not in the States last time. We have already been through that process but, in fairness, we had it brought in by the Constables. It did not then materialise for the rest of the arguments about Island-wide mandates and Senators and Deputies, so it was rescinded again. It might well come up. But the problem with bringing things piecemeal is that it is like a jigsaw puzzle, it does not fit together. There are little odd bits that do not work and that is why P.P.C. has tried to bring someone forward that works. At least that is their opinion. Bringing it to the attention of the States Members here is to allow them the best opportunity of discussing it in open States Assembly, discussing it with people outside their constituents, their friends, their representative, et cetera, and bringing it back to the States. This is the only chance that we are

going to have of having a collective view of this States within this parliamentary 3-year session. After that, after today or tomorrow, whenever the vote is taken on this proposition, there will be piecemeal ones, I have got no doubt will come forward. But there will not be a comprehensive one that will be coming forward because you will end up by being too late to bring in the appropriate legislation, et cetera, before the next election, which people were hoping would be a general election. I am going to leave it there. We have heard lots of facts and figures. I think the Chairman will sum up in the best that she can bring it all together of the feelings of what the House has said and the things behind P.P.C. All I wanted to do was just before it comes to the conclusion and before it comes to a final vote, is to allow us to have an understanding of the thinking, in a broader sense, of what P.P.C. was trying to do in bringing this proposition to the States today.

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

It is nice for once to follow Deputy Fox because I agree with much of what he has said. It has been hard on the committee, if you think of the makeup of the P.P.C., and hats off to our Chairman who must be pulling her hair out at many, many meetings because all of this has gone round 100 times. My worry, again, is we are going to be exactly where we are at the end of the day. Now, many times people have said politics, and I am not a new Member, this is my fourth term, and it is, and unlike the Deputy who sits behind me, with all rationality, with all ... if you want to talk for 3 hours you will not still change people's opinions. Politics is about sensible and it is about the art of the possible. Now, I have had a go at the Constables maybe today but I supported, I am on P.P.C. and so is Deputy Tadier. I also supported the Constable of St. Clement's amendment because it went halfway and, as I say, we had this discussion on committee but the only thing we could really sort of agree on was this one that we could all sort of sign up to and say: "Well, if anybody wants to amend it, it is in their right and it will be on the floor of the House" and obviously we agree that if you really like an amendment you will obviously vote the way you want to, and I have done that. I have sort of had a go at the Constables and said, you know, they will not vote for this, will they, on the Constable of St. Clement's amendment. Obviously the Council's comments are very, very wishy-washy on P.72, but now we get down to people really want change. Now the Deputy of St. Martin does not believe in bite-sized chunks so he is not going to support this. He thinks he will never get rid of the Constables. Is that such a bad thing? Do we want change? Not the Deputy of St. Martin, he will not vote for this. The Deputy of St. John could not possibly ride his bike into Trinity or St. Ouen or anything like that because it is too far and nor could Deputy Lewis in St. Saviour if he was amalgamated. I have never heard so much utter rubbish in all my life. As for the speech of Deputy Le Claire, and it reiterates what the Constable of St. Mary said this morning, I have never, ever turned anybody away on my phone and I am not contacted on Parish matters. I am contacted on matters that they know that I have an interest in. Somebody has said: "Oh, Deputy Martin, help me with housing, social security" anything, and I have helped people in St. Ouen, St. Brellade, all over the Island. So this business about who has got representation, if somebody phoned me and said: "I have asked my Parish, someone to do something and they would not" I would name and shame them. I am very sorry, it does not wash with me. So where are we? We have got the Deputy of St. John. I know there are a few other Deputies over there who I have had private conversations with, I will not name, but a couple have said to me: "Yes, I stood on the platform for change but this is not the change I wanted and I am not voting for it." I think it is a party line for the J.D.A. because the Constables will still be in the States and they will not vote for it. I do not know if that is the absolute line but I am getting the feeling. So, we have now the Deputies who will not vote for, and the rest of the Deputies, why would some of the other Deputies, the Deputy of Grouville, I get on very well with her. Why would she want to go through and stand with all the Deputies in St. Clement, be added together, because she has got quite a safe seat. Now, it is not personalities. To me it is about what the public see about the electoral reform. Who can they vote for? The Deputy of St. Mary says that there are 73 per cent we are talking about in our proposition that want the Island-wide mandate, if you add the 2 together **[Interruption]** ... 78 per cent, I am sorry. But not one person in this room or even outside has come up with one sensible

way of electing Island-wide 53, 47, I would even test you to do 25 Island-wide. You have seen what 12 people do, now how can it be done? If it can be done, please somebody bring it back. The Deputy of St. Mary has talked about reform, reform, reform, and even he is not going to support this. He has a better option. It was an amendment and I think now lodged as a proposition. So we will be back here again because nobody wants to change and, as I say, 9 years down the line we have ministerial government, we have no real opposition against it. I am absolutely amazed under any party system, if you went to a constituency super and you had a party backing you, you would have much more chance and independence, and I cannot see why any party would not back this system as a starter. But we will see if they will. That will probably give everybody else in the House a reason not to back it. **[Laughter]** But I am honest and I cannot help where ... I am very disappointed with a lot of the speeches. I feel like the Deputy of St. Mary, that the poor Deputy of St. Martin's did a lot of work on his amendment, which was I think the first to be lodged, and not a lot of people speak. But it does go to show that we do get the mood of the House. I fully back what Deputy Fox has said. Just one thing about how dare we bring something that has not been put to the public. We have been charged to bring something and if you read it very clearly, it will then go to a referendum to the public. Now we are the ones set to get something that will work and go out there. If we are kicked to touch that is fair play. The P.P.C. do not go any further. But to be accused before: "When do you ask the public?" We have consulted the public and consulted the public and consulted the public and still today nobody wants their all. Even the majority of Deputies, so I will keep us all in the same, will not vote for any change that might wiggle their seats a bit and make them have to work a bit harder. The Deputy of St. Ouen is laughing because he knows I am also directing this totally at him. **[Members: Oh!]** It is nothing personal. **[Laughter]** I like the Deputy of St. Ouen but he does not stand in the election. While all of us in St. Helier, St. Clement, St. Saviour are trudging the seats, he can go on holiday ... and St. Martin. The people say to me: "Who is that bloke? I do not know him. **[Laughter]** Who votes for him?" I say: "Well, actually nobody." **[Laughter]** Well, 10 people do. He is our Education Minister. No disrespect but if you are looking at this logically from outside you can really see why people get the hump, and I really can see why people get the hump. But nobody here, who is all nodding at me is going to vote for P.72. I will be surprised. I hope we get 27 votes but I need to be surprised; after 9 years please surprise me.

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

It is always a pleasure to follow Deputy Martin, and I hope I can restore her confidence in me and perhaps rebuild some of the confidence the House has in P.P.C. The chairman, after all, did say when she outlined the proposition that she was between a rock and a hard place, and I think she has been between several rocks and several hard places throughout this debate. Despite the strictures levelled against this report and proposition by some Members, I find it logical, comprehensive, useful, timely and it even has colour pie charts. I have learnt a lot from reading it. I think in particular I do not particularly know the Constables ... yet again the Constables have been endorsed as requiring a dozen seats in the States. The Constables will retain that Parish-based electoral identity. I have never had a problem with the idea of large electoral districts because they go some way towards achieving the rebalancing of the current situation where people have much more voter ability, the word "proportionality" has been used, I just think about it in terms of people have much more ... there are much fewer votes per Member in certain parts of the Island than others. I think the rebalancing of these in large districts is probably the only way to achieve a fairer distribution of votes. It happens in many other parts of the world and of course is often coupled with attempts to change political complexions. It did occur to me while thinking about this, that if the States goes on approving the rezoning of greenfields for housing we may have to start to push voters, push more Members out into the rural districts, given the way the States seems to want to turn over good fields of Trinity and turn them into housing estates. But that is a side issue. It does seem to me that there is a lot to admire in this. The main problem with it, and I think Senator Le Marquand highlighted this in his concise speech this morning, is that it does away with the Island mandate. If

you believe, as I do, that the Chief Minister, in particular, should have an Island mandate, then you cannot support his. That is the problem I have with it. I must say though that while it is clear that if you keep the Constables you need 12 Constables, you need those 12 seats, for as long as we have 12 Parishes that is. I am not sure why we need a dozen Senators, and perhaps the chairman of P.P.C. could explain whether P.P.C. considered reducing the number of Senators as a way of achieving one objective, which I think many of us share, which is to reduce the cost of government, to reduce the number of Members in the House. Why not have, for example, only 6, where is the magic in 12 Senators? That would at least allow a Member who had aspirations to be Chief Minister to have to, even if they had the same term of office, they would have to decide: "I am either going to carry on as a Deputy or a Constable or I am going to take the challenge on a single election day and go for a 4-year term as Senator because then I know I will have a shot at Chief Minister." It does seem to me that that is something that is worth considering. In passing, I would just wonder why ... he has done lots of marvellous work, I do not want to knock the research the Deputy of St. Mary has done or his researcher, but in his closing comments just now on P.72, I believe he described the Constables as being outside the democratic process, and I really do take umbrage at that because I have fought more elections than some Deputies and I do wish **[Approval]** that some Members could get over the problem they have with the term *ex officio*. The fact is Constables do stand for office, they do get contested, they do have to write manifestos and so on. We are elected under a different law, which in some way disadvantages us. I was explaining to a Member over the break that certain offences which merely land a Deputy with a slap on the wrist can lead to the Constable losing their seat. That is perhaps something worth bearing in mind. So, anyway, that is in passing. In conclusion, Deputy Martin asks, and there is a general feeling that we are going back to square one, that P.P.C. are going to hang up their boots and do no more work on this, and I think that will be a great shame. I think this debate, the series of debates, has been very useful. It has cleared certain areas. It has given clarity I believe to this is how the current States thinks about certain things, and I would urge P.P.C. to study the recording of this debate, to study the various amendments that have been put forward, the others are in the pipeline, and to come up with a new set of proposals which does achieve more of the wishes that seem to be commonly expressed. Clearly one is that the Constables will be part of the States. Another is that there will be an Island-wide mandate - and I would encourage them to look at the necessity of having 12 Senators - and the third one is can they find a way of making the large electoral district palatable to Deputies who, in many cases, will be reluctant to share districts with other Parishes. So I do not believe it is all doom and gloom. I think we have had a useful series of debates and I would urge P.P.C., even if they lose this, as I suspect they probably will, to come back with new proposals as soon as possible.

### **3.7 Senator J.L. Perchard:**

Quite interesting following the Constable of St. Helier; he praised the P.P.C. proposition as logical, comprehensive and timely and then went on to say that he was unable to support it. Quite illogical, I believe. It is logical, this proposition, it is comprehensive, and it is timely. It does not achieve what every individual ... it does not seem to achieve what every individual in this Assembly would like it to achieve. But it is a compromise and, as Deputy Martin said, politics has to be the art of compromise. It does deliver a reform. It does take on board all the inputs the general public gave towards the MORI poll. It does, importantly for me, retain the 12 Parish Constables and our historical Parish links and our important Parish future in the Island's Government. It does abolish the post of Senator but replaces it with, as we know, super constituencies where, I believe, Members will be elected on issues other than Parish pump issues: whether La Longue Rue should be a one way; whether the Parish Hall needs redecoration. If we move away from the Deputies or the Members, the Deputies in this case, being elected on Parish issues we will elect a membership for national issues, education, health, industry, the future of finance industry taxation; Jersey's future, not just about Parish issues. Do we want a whole Assembly of people blinkered, who cannot see out of their Parish? Does that really represent Jersey's best future? We know people

here who have promised to improve bus routes in their Parish and become elected. Is that right? Is that how we are to govern ourselves into the next 50 years? I believe the island-wide mandate would have been preferable but we all know it is impossible. P.P.C. have come up with, as Constable Crowcroft said, something logical here, it is a compromise and, of course, it will only be implemented if the electorate of Jersey endorse it. It would be a failure, I believe, by this Assembly not to take this well-considered, logical and timely proposition to referendum. It would be a failure if we do not do that, to deny the public a choice. It may well be that they will discard this proposal, but why would we honestly wish to deny them a choice? As I say, I am delighted that the Constables will remain in the States. I think it is important that they do. They will provide that important Parish link that we all crave and recognise as important. I have changed my mind on that, Senator Le Main, I have changed my mind on that. It is only being in this environment that I realise how important that is. The remainder, those that are not Constables, need to look at issues greater than whether La Longue Rue should be a one-way. We need to be looking at bigger national issues and we need to be elected on national issues, and that is why I will be supporting P.P.C. here today. I urge Members to give the electorate of Jersey a chance to also support or reject this proposition and do not, at this stage, throw it away and say we cannot achieve consensus. Let the people decide. We have got a logical, comprehensive proposal here, let us go to referendum, we know how to do that now, let us go to referendum and let us ask the people of Jersey if this is what they want.

### **3.8 Deputy R.G. Le Hérissier:**

I am very pleased to follow on after Senator Perchard's rallying call because I have been cogitating upon the fact, having laid such airs of depression in the earlier stages and so forth. I have been feeling I have to try, in my own humble way, to try and rescue it and Senator Perchard has. But, sadly, I feel I am getting more disillusioned by the minute by this proposition, I have to say, not because it has not been worked on, I think it has been worked on enormously in a very hard fashion and it has elements of compromise and so forth. I know in some Commonwealth countries, Africa and particularly in Fiji, they have a Council of Elders where the tribal elders are put into an upper chamber and I have often wondered if that was a way, with due ceremony and so forth, we could perhaps put the Constables there. They could be the embodiment of commonsense and of the good housewifely virtues which we were told about in St. Ouen. Thinking about this, the parts have been argued - and it was refreshing to hear that Senator Perchard was not going to follow that argument - with enormous passion and commitment from the point of view of the Constables. The part that has been argued, and that I dwelt on, was their community role rather than their political role. Although Senator Perchard feels they could co-exist with people looking at what he terms were "national issues", it has not been argued strongly. I know one of the elephants in the room, and there are several, is that the Senators, as we saw when we got near to that almost sole victory last time over the 4 years, as soon as that became apparent to the Senators the blocks appeared, the rigid positions were taken and the 27 majority was introduced so that the barrier would be that much higher. So we have the sum of the parts leading to the dysfunctional whole; that is essentially where it leads to. I do not think, despite again the rallying call of Deputy Fox, we as the States have come to the very reluctant conclusion we cannot deal with this as a holistic matter. The vested interests are so strong they are blocking, they are checkmating each other and the strange alliances that have not been apparent this time but are certainly there will block everything. I do not think there is any doubt about that. So the question has to be, rather than spiral down into this maelstrom of depression, how can I cheer Senator Ferguson up? **[Laughter]** I would like to propose some incremental changes in the true sense of the word and what I would like to say is I think P.P.C. because ... I have not made up my mind fully but, as I said earlier, I will probably support this as a compromise. Sadly, it is very hard to square all the principles that are at play, simplicity, accountability, one type of post holder, et cetera ... well one type of post holder with a group sort of riding shotgun, so to speak. How can we move forward? I would say improvements to the voting system. We have got to get rid of this incredible system where so many of us ... some are



here, as I think you have been told, under fraudulent pretences, but others of you - the Constables, Trinity and myself would be in that earlier category, I had to bring you in there - others of the House fight for electoral reform. So this idea you can get into the House on minorities, as most people in the House are, and minorities that are serious when you look at minorities of registered voters as opposed to actual voters, that is where the real scandals occur. I would set up a boundary commission. Contrary to what Deputy Le Claire said yesterday, the report did not give a massive swing to the urban Parishes. The 1948 report said, in fact, that there should be a slight preponderance in favour of the rural areas in view of the importance of agriculture and horticulture. Although the reality was there was quite a high preponderance, if the truth be told, and it has got worse because of the urbanisation of certain Parishes, but the retention of Members at the current levels in the rural Parishes. So I would go for a boundary commission and really start looking at the distribution of Deputies, if that is the way we are going to move forward. The other issue, I take Senator Perchard's point about Senators are seen somehow as dealing with national/Island issues and Deputies, not exclusively, are seen as more dealing with Parish issues. It would be so nice to get a single office because clearly you would then merge the 2. I imagine one of the reasons the public like the all-Island mandate and they turn out for the Senatorial elections is they think there is a better debate concentrating on broader issues and I would like to see that. So I do not think all is lost but I think change is going to have to be incremental. I think this is the last time we will have holistic change where we try and totally square an unsquare circle, if you forgive the mixing of metaphors. I think this is the last time because it is getting us nowhere. Shakespeare did say, although I do not think he had the States of Jersey in mind: "There comes a time in the affairs of men [as then it was] which taken at the tide ...". He clearly did not realise that the tide was going to take so long to come in and I really think we have lost the momentum. I mean, the States is quite good at keeping issues alive for ever more, like tenant deposit protection and so forth, but I think on this case we have lost the momentum. Yes, public frustration is getting worse and worse and worse, but there are ways of improving it. I have mentioned, in terms of P.P.C.'s mandate, I think scrutiny has to become much more assertive, as Deputy Vallois and people like that are suggesting, we have to push votes a lot more, we have to push alternative policies a lot more and in a funny sort of way, we have to act as a small opposition. I think there is no doubt, as I said earlier, the accountability required of our system has not materialised, post Clothier, and it will not materialise unless we get a party system or we can somehow move much more strongly in terms of making scrutiny, in a de facto sense, perform that role.

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

Speaking as a quasi-tribal elder, I am not going to repeat my previous speech, you will be glad to hear, but the current debate has sparked a few thoughts. I have heard people apologising, Deputy Le Hérisier just now for not being opposed in the last election. Well, I am inclined to think that if you are not opposed then your public is satisfied with you and does not want to get rid of you because if they are not satisfied they will find somebody to stand against you. I am getting concerned, though, that we are wanting change for change's sake when I do not know that we really know what the changes should be. I have heard the Constable of St. Helier talking about rebalancing, but we are trading people with large numbers of votes for fewer votes. There has been comment on the referendum. Well, I am not sure that the referendum is not abrogating our responsibility; we were elected to make decisions. Senator Perchard referred to debates on real issues, national issues. One thing I have learned and, I think, quite a few people as well, is that all politics is local politics or, as they say in the States, basic politics 101: "Do the street lights work?" It is the direct effect on people that is noticed by the public. I do have a little job for Deputy Le Hérisier, though, some broader analysis which might well cheer the rest of us up instead of depressing us. With respect to Deputy Le Hérisier, of course, anyone who went to John Seddon's talk at the Chamber of Commerce recently will start querying are the performance measures correct? Is it really voter turnout? We are having grumbles from the public but I think we need to have a better analysis of the system. What is the demand? What is the breakdown? Here, as I say,

I think Deputy Le Hérisier could be rather good on that. He also mentions accountability. Would we find the public to be better satisfied if they could see accountability? Deputy Vallois, as mentioned, has produced some excellent ideas regarding this. I have had input from some of the Ministers as well and I am most enthusiastic about supporting her in taking these forward. Obviously some members of the public may want public executions but I think we will have to settle for public accountability. So, really, we are back to Deputy Le Hérisier's quotation from Einstein, I did look this up in my trusty computer book of quotations but I could not find it. But if Einstein did not say it he ought to have done. **[Laughter]** I do ask if we are asking the correct questions. Have we correctly identified the problem or, as I might more prosaically put it, are our performance measures valid? To return to the apocryphal boat mentioned this morning; is it necessary to take the boat apart to revarnish it? Deputy Le Hérisier also commented on a boundary commission. We have also heard that we need political parties for the system to work. Can I remind Members what happens in the United Kingdom? The party in power proclaims the iniquity of the current system and says: "We will rewrite the boundaries" and, surprise, surprise, the new boundaries usually benefit the party in power. At least, using the existing Parish boundaries there is no chance of this. Rome was not built in a day; we do need to analyse and get this system working before having yet another change. People are going to be "changed out". As I said this morning, I will not quote to you again but I just remind you of Petronius Arbiter, you know: "Change for change's sake is a good recipe for inefficiency and general chaos." Let us make the one small change, that of electoral days, one electoral day, and see what happens and take it from there.

### **3.10 Deputy T.A. Vallois of St. Saviour:**

This has been a tough day, I think. With regards to this proposition, I might surprise Deputy Martin by saying that I will be supporting it and that is purely on the grounds, in fact, I am always willing for compromise and I am always willing to see what the public think and what the public believe. This is not about us voting on a proposition that means it is going to be set in stone. It is going to referendum and if those people that have been spoken to by the Members in this House do not believe it is the right thing then it will be thrown out. If that is the case then at least we know that option is not right. I truly believe that the current system we have is still bedding in and, as has been mentioned, some proposals I have put forward to the Chairmen's Committee for scrutiny changes will hopefully bring some more accountability for the Ministers. Until that starts working we will not know. But I am fully supportive of this proposition because, like I say, no one is ever going to come to a conclusion what is right or wrong within this Chamber. Every single Member in this room, all 53 Members, has different opinions and we cannot put all those into one idea. Compromise is the best we are going to get so I am willing to give that to the people outside to make a choice on.

### **3.11 Deputy S. Pitman of St. Helier:**

May I just first say that I have a proposition myself and that is to get rid of Deputies completely and I can tell you why that is so. I was inspired by the Constable of St. Mary's words yesterday that apparently Deputies are not involved with Parish issues like Constables are and that some of us have no involvement and play only a political role. Well, I would ask her what social security issues, housing, planning, child protection, road safety issues, what are those issues if they are not constituent issues? I can say that my work has involved this and goes right across Jersey, including St. Mary. I agree the main reason for the lack of those in participation. I have to say I agree with the Deputy of St. Mary and I have said it before when I brought a proposition to the States to allow more participation by the public to vote for the Chief Minister. I do not think it really is about the constitution how many Deputies there are in the States, how many Senators there are, although that plays an aspect. I believe really that it is about dishonesty and the States not listening to the public, going back on their words. Also there was another big issue as well and I think it is the hardship that the decisions made in this House have brought to the ordinary person in Jersey: G.S.T. is the

obvious one, the lack of this House to control the cost of living, States workers' pay freeze and the worst financial situation that a majority of income support recipients find themselves in. I really do not believe that there are enough States Members in this House who understand that hardship. I am going to say that I am going to support this proposition but I do not believe in a few aspects of it. Certainly, I can tell you why I did not vote for my husband's proposition and that was because I do not believe we should be cutting the number of States Members because of Scrutiny. Scrutiny has an awful lot of work and we have people on 2, 3 panels, 2, 3, 4, 5 on reviews and I really do not think we can afford to cut the number and I do not believe the Constables have a role directly in the States. But when considering reform I think the overriding element that we should be thinking of is democracy over tradition and over this debate in the last couple of days I think there has been a lot of call for tradition over democracy. An important part of democracy is to consult the people and a referendum will do this. This is the main reason why I am supporting this proposition and I have to say that it is far more a course for a referendum than putting forward or back the clocks.

### **3.12 The Deputy of St. John:**

I must say that a few months ago I brought a proposition to the House for review of government and it had some very little support from within the Chamber, mainly because P.P.C. were saying at the time that it was too soon to bring another debate on government reform to the House. Their comments at the time were we should wait another 12 to 18 months before bringing anything else to the House and yet within several months they themselves have brought P.72 forward for debate. I must ask if this is double standards or was it that they did not want my proposition muddying the waters? Within the proposition it is proposed to have these super-constituencies or wards, I did say this this morning and I will repeat it and, given the area that currently would be the area that I represent, along with St. Mary, St. Ouen, St. Lawrence and Trinity, this covers between 22 to 25 square miles, which is roughly half of the square footage of the Island. That in itself is not a big problem and I did take note of Deputy Martin's comments earlier, I was listening outside. She thought it was rather strange that we could not handle that. But what she does not realise if you are representing a constituency with 6 different Parish Halls, because they would still be in place, and just giving thought to one area, one lot of meetings alone, which would be your budget meeting in June, usually, and probably with them all falling within a period of a week to 8 days you have to be on top of that paperwork. So it would mean I would have to be on top - or whoever the representative is or whoever the representatives are - of those 6 different lots of budgets - it is bad enough just doing one within the district you represent without having to do 6 - all within a week or 10 days. It would be rather taxing, to say the least, apart from all the other meetings that I represent currently, and I attend all my Parish Assemblies. If I was representing a district of 6 Parishes I would do my utmost, if I was one of the representatives, to make sure that I attended each and every one of those Parish Assemblies which, shall we say, we have 12 Assemblies throughout the year in St. John, you multiply that by 6 and obviously on top of everything else, the Parish meetings that I attend, along with the Comité Paroissiale, which I am a member of in St. John, which I presume, unless they are going to change the various systems of government within the 12 or the 6 Parishes that I would be representing, would mean additional meetings at each one of those Comités Paroissiales for those 6. The workload alone without even seeing the constituents for 6 representatives would be, well, unbelievable and I do not believe the P.P.C. have taken all of this into account, and that is just part of the workload. I must receive, on average, 20 to 25 calls a week from my parishioners who wish information, et cetera, or wish that certain things are put forward on the floor of the House. I would expect to because I am active to have a similar amount from the other 5 Parishes within that district. On top of that the workload I get many calls from across the Island and - I took note of Senator Perchard's comments - you know, they look at the big issues. Well, you will find that most Deputies in fact deal with many issues because the Senators are just too lazy. **[Approbation]** Frequently I have had it told that as soon as constituents approach Senators they have said: "Well, speak to your Deputy, he will sort it out" because the Senators themselves in some cases are just too lazy to take on the work or think they are above taking on the

work. As far as I am concerned, those Senators, in fact, should not be in the House if those are the comments they pass on to constituents. But on top of that a district of 25 square miles can be dealt with but you are going to have Connétables and P.P.C. - through the Chair, Sir - they are going to have to look at the way the law is set up currently in which a Deputy, call him what you will, the representative for that ward, can get round to dealing with the parochial responsibilities that person will have. There may be 6 but given that if you look at the 6 which are elected now for the Parishes I have mentioned, we have 2 Ministers, Trinity and St. Ouen, we have one chairman of a Scrutiny Panel and we have 2 Assistant Ministers and one other person, as I said this morning. Well, given we all know the workload of Ministers, which is very heavy, we all know, as has been mentioned earlier, the workload of Scrutiny members and the previous speaker mentioned it, I just wonder where the Committee did their research because they obviously had not researched the work that is going to be required for a base of 6 Parishes. All the other wards will only have one or 2 Parishes which may be easier to be able to attend all these meetings. But obviously insufficient thought has been given to that huge ward and on that point alone I could not support this proposition. Yes, I am all out for a referendum, let us go for that because then the public can speak, but I have real concerns on the workload that P.P.C. are expecting 6 elected Members to do within 6 different Parishes all within a week, as I have already said, just on the budget meetings alone. So I think they should take that back and have a good look at how they are going to bring about the workings within a ward for such a huge constituency with 6 individual Parishes.

### **3.13 Deputy M. Tadier:**

I know that we have the right to address the House in French, I am not going to do that but I will limit it to one simple phrase which I was told when I was a lot younger: "*Il faut mettre de l'eau dans ton vin.*" You have to put water in your wine. I think that is what we are all doing on P.P.C. Some will accuse us of having a watered down version but when you have a committee which is represented by a Senator, by an Assistant Minister and then we have all sorts of Deputies and a Connétable on board, obviously you are not going to get something which will please everyone; that point has been made already. So what we have come to here is something that may be the second or third choice for each of us. Nonetheless, as it was said before, it is something which is workable and it is something which ultimately will go to a referendum. We cannot simply say this is the last option we have got today; we cannot simply say the public do not want it. Let the public decide through a referendum whether they want this option or not. We cannot be so presumptuous or even arrogant to know what the public wants at any one given moment. Now, I mentioned earlier that I would be uneasy in one sense to get rid of the Senators on the one hand and while keeping the Constables in. Of course that was in the context of a different debate, I am now speaking with my P.P.C. switch at the back of my head - I did it earlier like the Action Man with the eagle eyes. The point is in an ideal world we would keep Senators because they are more democratic. In fact, in my world I would like to just have one class of States Member; I have made that point already. But we are not living in an ideal world, we are in the position that we have come to now by consensus, presumably. I would be very happy to keep Senators in one sense if somebody could tell me how we would elect them. This has been the whole issue. We know that there is an affection for Senators because superficially everyone knows that they can vote for Senators no matter where they are in the Island. So if you live in Trinity or if you live down at Corbiere at the other extremity you know that you can vote for Mr. X who is a good old farmer or you can vote for Mr. Y who is a good old accountant, or whatever, and that you are not affected by geography. The point is it is no longer workable, I think that goes without saying. The scaled down constituencies, as has been said already, is to try and make the best of both worlds. So we combine the benefits of having 6 or 7 candidates, hopefully of quality, and bigger constituencies which we can all vote for. That would hopefully again engage the public more and will increase candidates, to a certain extent. Someone suggested on the radio the other day we would have 21 candidates for each of the 6 spaces. Of course, that is, I think, fairly spurious because you have got more seats spread over the Island. So you may get 8 to 10, even 12, but certainly the hustings

would be more manageable in those areas. I guess you could also have the hustings in each of the Parishes within those super-constituencies. It is not going to be all a nice little speech, though, I am afraid that we do have face some hard facts and people have alluded to them already. P.P.C. did come to the conclusion that there were various reasons why people do not vote. I think that goes without saying that nobody can ever hope to put their finger on it exactly. Some people, of course, say that low turnout is indicative of the fact that everybody is entirely happy and living in, not cloud cuckoo land, but they do not need to vote because the system is perfect. Other people are of the exact opposite opinion, that when you have low turnout that it is indicative of the fact that democracy is in a not very healthy state. Of course, we should not be under the false impression that this proposition or any of the propositions are going to solve that problem overnight. Nonetheless, there are systems which are more accessible to people. We have heard about the (j) cats who come to Jersey, people who are not from Jersey originally. They may come from the U.K., France, Portugal, Poland, wherever, from different political systems, nonetheless, they choose to make their home in Jersey to have children here. Surely their contribution to society in whatever form it takes, either financially, socially or simply by having children who stay here, is surely to be welcomed. The point is having the system that P.P.C. is going for I believe combines both traditional aspects of keeping Constables in the States and it also has the added benefit of making the system less opaque and more easily accessible for everyone to understand. As I said, it gives everyone more of a clearer proportionality in who they can vote for. So you can vote for your Constable in your Parish, you can vote for your 6, or possibly 7, Senators or Deputies, the name is irrelevant, in the super-constituency. It sounds very good and I am happy to support that. The real reason, of course, I believe, for the lack of political participation, and it is something that we want to crack down on as the States and to set by example, is not to do with the type of system that you have, it is to do with whether you represent the people as the problem is the public do not feel represented. They feel that sometimes the Members may be chastised for small misdemeanours but large things like would certainly get them sacked in their jobs, it might be the wasting of millions of pounds or even more millions of euros, simply goes unnoticed and there is no accountability whatsoever. The same people who are politically responsible for those wastes of millions of pounds and there are various figures you could look at, 7, 8 million, that is not even to mention the incinerator which is not going to go away, folks. It is the biggest project; we have spent hundreds of millions of pounds on an incinerator which was neither necessary nor wanted and then we have to scramble round departments saying that you have to cut an extra 2.4 per cent, or whatever it is, 0.4 per cent, off your budget as well as all the other cuts that we are being asked to make purely because money has been squandered on the one hand and it is the public who pays on the other. There is no reason that anyone would want to vote in any system if they believe that they cannot change. Democracy is not simply about voting, democracy is the ability to change things and I suggest that we on P.P.C. are going to have a hard time if the current policy of lack of transparency and lack of accountability continues. I am not going to call for the Chief Minister's resignation by the way, although people at Fort Regent did, and it was due to those wastes of millions. There is a problem with the referendum, of course, and this is in my "lessons to be learned" section because surely there are lessons which we as the States can learn. The problem with the referendum when this is presented to the public: if they do not want this particular model, for whatever reason, we will never know why. It could well be that they do not like the super-constituencies, and I think the Constable of St. Mary may have that angle covered so I will not go on too far. But that is the problem, we will not know whether it is to do with the super-constituencies or whether it is to do with the Connétables or whether it is to do with the fact that the Parish boundaries have not been kept because none of the options that have been presented to us to day have been presented to the public. That is why yesterday we had this kind of kerfuffle, for want of a better word, when certain of us Back-Benchers were suggesting that we could do this in a better way. I think the States really does have to look at how it does its business on occasions. Standing Orders, while they may be often valid and they usually serve most purposes, need the flexibility and why could we not have given out a voting slip, list your preference from one to 5 because we are left with this last option, it

is no surprise, it was clear that it was going to get to that. We have to make a choice, yes or no, on this. It may have been our third or fourth option and then the first option has gone by the wayside, although, of course, they have been debated, I am not debating that. So, we must make sure that we are flexible with our systems. Again, I come back to the position, remember who you are here to represent, you are not here for your self-interest or whether you are a Senator, a Deputy or a Constable, forget about all that. I think, as we have all said, this is not the ideal system for all of us or necessarily for any of us but it is about compromise, is it not? I think what you are going to see from myself and from some colleagues who only a moment ago did vote for the proposition, some of us are for Deputy Martin and even more of us for the Constable of St. Clement. We were quite clear that we did not want the Constables to stay in the States automatically, that is fine, that vote has now passed. We are willing to be flexible and we are willing to compromise and I will support this and we have heard from other Members with similar opinions that they will be supporting this on the principle that we are reformers. We were elected to the States, many of us, because of our stance on reform. We said that it was necessary and we had a big mandate from many of those who voted for us for reform. So I would throw the gauntlet down in one sense, we are willing to compromise, we are willing to have consensus politics, we are flexible. Where is the flexibility across the board? Presumably I would ask that the Constables support this proposition. I think it is a good proposition, it keeps you in the States after all. But I would also extend that invitation to the Senators that they should think very carefully about supporting this as well. It is something that P.P.C. has put a lot of time into. We know that models have been bandied about in the past and they have never got a majority. Again, it is not that different from the senatorial role, is it? Presumably most of the Senators who do re-stand for election will be standing in super-constituencies. You are already well known and I would suggest that those Members would have no problem getting re-elected if that is what the public wants, it is not a problem to do with the boundaries. So again: *“Il faut mettre de l'eau dans ton vin.”* You have to put water in your wine and let us all try not to get too drunk tonight.

### **3.14 Deputy J.G. Reed of St. Ouen:**

Just a couple of comments. First of all, I certainly did not particularly support this proposition last time round and I really am struggling to support it this time. I am especially amused, perhaps, at Deputy Le Hérissier's stance when he was there not that long ago promoting that this was the means to the end of all our troubles and woes. However, now even he has his concerns, or so he suggests, although we are never quite certain. **[Laughter]** There are, however, 2 things that are different to this and that perhaps might help to break the circle that we seem to find ourselves continually in, and that is the referendum aspect. I think it has been touched on before but at least it would absolutely give us a clear understanding of what the public believe. I did not support the idea of a referendum for changing the time but if you balance this proposition against that of changing the time this has far more impact and effect to the Island population and one would hope would be treated in the proper manner. There are, however, 2 or 3 questions that I would like to be dealt with in the summing up. One is a bit more detail on the form the referendum would take. Will people be able to have the choice to vote for the status quo? In other words, will the question be: “This is the proposal” or: “Do you prefer what we have now or none of the above?” I mean, I do not know if you can have that, I think it is a yes or no answer. But I would like that explained to me because I think the better framing of that question perhaps the more clearer the picture we get. The second thing is that when we speak about electoral involvement and encouragement to get involved with the process and yet - and it is a big “and yet” - for people certainly in rural Parishes and probably most parishioners, this proposition reduces the number of States Members that individuals can vote for. For the people living in St. Ouen, St. Mary, Grouville, it will mean that instead of being able to vote for 14 it would be half that number, 7. How does that square with encouraging electors to take more interest and involvement if you are saying to them that this will provide you with half the opportunity to impose your views within the States as a whole? I would like those 2 questions addressed, if possible, before I commit to supporting this proposition.

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

A very interesting proposal from P.P.C. Senators or Deputies, it depends how you want to view it, I suppose. There are problems with this proposition and they have all been outlined. However, much like Senator Perchard I believe that this is right that we give the public the chance and the opportunity to express what they feel. I think that we have shown that because of the vested interest in this House we cannot reform ourselves. In that way I will give the opportunity to the public and I will vote in the referendum if it gets to that, and I will probably vote against it in the referendum, but I think the public should be given the opportunity to say how they want to be governed.

### **3.16 Deputy T.M. Pitman:**

Excuse me if I have a wry smile, having got my big bad book of quotes which Deputy Le Hérissier often alludes to, but I may have to turn to him for guidance because I am sure he is an expert of the Zapatistas and perhaps he can correct me with the saying "*ya basta*", which I believe means enough is enough. It is really great to prove people wrong because I listened to the nonsense earlier, all the J.D.A. are going to vote against this. Would they not vote for anything for the Constables? Well, the J.D.A. are the progressives, I might add, the J.D.A. of the future perhaps, in my view. Luckily it is a lot of other people's. But will I vote for this? Of course the J.D.A. are supporting this because we keep election promises. We are the party of reform. We do not announce something and then change our minds and come out with nonsense like: "The world has changed so we can vote the opposite way." We are for reform. This is not perfect. I said earlier that we should all try to be nice about all the proposals put forward and I have tried to be. I have to say that this is the worst, possibly, of all, in many ways. But there you go, they are all attempts, they are all less than perfect - I think mine was a lot better. But again, *ya basta*, enough is enough. Time after time we have seen Houses completely unable, completely unwilling to have any change. There is certainly a huge case to be made for the Senators. Again, if someone can come up with that policy, that procedure to have an Island-wide mandate for us all I really do hope they are back next week. But we most definitely support this. As I say, we made promises to the people, it is progressive, we have to take that step and make change. It is hugely flawed, I cannot believe how P.P.C. came up with this, to be honest, as the very best option, but there you go, none of the proposals were perfect. I am quite willing to compromise. We will keep our word, we will back reform. I just hope it goes somewhere. But the important bit, as Deputy Pitman and, I think, Deputy Tadier and others said, it is the people who will decide. Let us not come up with excuses not to have a referendum now. Let us make sure the public do get asked and get asked properly and, yes, they must be given full information, as the Deputy of St. Ouen said, but let us not spin things so we get the answer that we want, let us ask them a straightforward question. I will support this wholeheartedly and I am sorry Deputy Martin is not here because she has obviously lost track of the J.D.A. a little bit.

### **3.17 Deputy A.K.F. Green of St. Helier:**

I am not going to go over old ground. I, as Members may have noticed, voted for Deputy Pitman's amendment and then the Constable of St. Clement. I think in hindsight that was probably an error because what I did then - this is what I urge other Members today not to do - was to pick the best of a bad bunch and that is what I am afraid we are going to do with this P.72. Do you know, when I read it I thought: "Yes, that is the answer", but it was not clear to me what the question was. As the Constable of St. Clement has said before, this is a camel that is meant to be a horse designed by a committee. What we are doing here or what we are in danger of doing here is treating the symptom and not the disease. The previous speaker said that he is for reform. I am for reform but not any reform for the sake of having reform. I want reform that works that will make this House better; that will start to give the Island the government it deserves and I think that is done by tackling some fundamental issues. Tackling things like the general election, let us look at that first. Let us not try and cobble this together trying to please everybody but pleasing absolutely nobody. Now, on the subject of the referendum we could include a few other things. Let us ask people if they want to

pay tax. I wonder what the answer would be. Do they want to pay G.S.T.? I wonder what the answer would be to that. It takes considerable skill to carry out a proper referendum. If you ask people if they want more States Members or less States Members we know what the answer is, they want less. But then they want to be able to reach their representatives at the right time, they want quality work done by the representatives. No, we are backing the issue if we go to referendum because we have not got the guts to stand up and make the decision for ourselves. Vote no.

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

Much has been said in this debate about the fact that our system is broken. I believe that we will get through this current economic downturn. I believe that the Island has a positive future. I believe that this Assembly will in future be able to fund increased amounts of money for vital frontline services in health and education and other services. I think that our new ministerial system is working; it is certainly an improvement on the committee system. One of the perhaps uncomfortable factors of the new system is that unlike the old committee system, which I served in for a number of years, we do now see critical reports. Yes, it is uncomfortable for Ministers to receive P.A.C. reports or Scrutiny reports. But criticism and recommendations for improvement is now in the open and I think that is a good thing, in terms of our democratic evolution. My position on this proposition is the same as it was the last time we debated this. In my view, before we can consider the removal of Constables and Senators we need to have proven that we have had a number of successful “difficult to get elected” and democratically strong deputorial elections. I will not be supporting a proposition that throws out Senators and Constables because to do so would require this Assembly in future to be ...

### **The Connétable of St. Mary:**

Thank you for giving way, Senator. The proposition on the table does not remove the Constables only the Senators.

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

Remove the Senators. I apologise, I have gone backwards a step. It would leave the Island to be governed by, effectively, a House of Deputies and Constables. I accept the fact that in terms of democratic representation, the 12 Island Constables have different numbers of votes. I think that the representative flex is, however, in a reallocation of deputorial seats. I asked last time in the debate for P.P.C. to commence work on a redefinition and looking at allocation of the deputorial seats while perhaps retaining some Parish identity, perhaps finding a different way from super-constituencies, perhaps finding a way to spark interest in deputorial elections, perhaps finding a way to ensure the deputorial elections are not only parochial issues but are tests of Island-wide opinion. When we have proven and when there has been a proven track record of successful deputorial elections over, perhaps, one or 2 elections then I think we can consider throwing out Senators and perhaps revisiting the issue of Constables. I am not sure that that is ever going to be possible, and I say that before I turn off a majority of the Constables because in time I think that our constitution will need to evolve. I could envisage a situation where there would be a second chamber in the Island. I could consider a future where the Island will have a House of Deputies which will pass legislation; that that legislation will then go up to an elected revising Assembly, perhaps consisting of Senators, and the laws would then be brought back to the House of Deputies and then brought into force by somebody, perhaps the Lieutenant Governor, perhaps against a constitutional court in the Island. There is going to be a need, if we are to evolve our constitution, to evolve our democracy, to evolve our constitutional position. I think that at that stage, once we have got a settled position of Deputies that have got a proven track record of democratic legitimacy of proper representation, in terms of being allocated across the Island, then we can consider those further constitutional reforms. But I am afraid until that is the case it must be, in terms of the Senators and the Constables, the status quo. I ask P.P.C. because I think ... and I see a number of Members of the Assembly nodding when I made the remarks about reviewing the deputorial positions, I see them nodding ... that is the job of work which I would ask P.P.C. to go and look



into. I think it really is the issue of the Deputies that the public is uncertain of. Deputy Pitman sniggers but there must be an issue when individuals who stand in the senatorial Island-wide mandate and who do not succeed in that end up by being representing and having an equal voice in a deputorial constituency. I am not at all sure that that is a proven situation of the democratic system of the Deputies' benches working, as difficult as it is to say. So, I am afraid, I ask the Constable of St. Mary in her summing up to explain if the inevitable ... and I suspect I have done my numbers as my colleague on my right, Senator Le Marquand has done, I am not sure that this proposition will be successful. I am not sure, as Deputy Green said, that it should be successful in taking forward a referendum which I do not think is capable of being asked of our Island community. I do not think we are capable of explaining and having a proper debate on this; it is neither one thing nor the other. It may well be that party politics will emerge in reformed deputorial elections in Jersey. I have my reservations about that but that ultimately is a matter for the community to decide. I believe in evolution not revolution. I want to see an evolution of the deputorial benches of the Island as that is a way forward to moving forward democratic legitimacy of which I think there is an issue by some Members of this Assembly.

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

I have been rather concerned just to hear the last few speakers saying that they are going to vote for it because they think it is good but we should have a referendum going out. To me it seems ridiculous that we should be voting for something which we ourselves do not have convictions in [**Approbation**] and I do not have my convictions in this one. If we are going to ask the public what they want what we should be doing is having - and I have got the list ... we could have asked them do they prefer the Constable of St. Clement's proposal? Do they prefer the Deputy of St. Martin's proposal? Do they want P.P.C.'s proposal? Do they want the Deputy of St. Mary's proposal? Deputy Le Fondré's proposal? Deputy Angela Jeune's proposal? All these, what we have been discussing today. I know when the Connétable of St. Helier sort of reprimanded me for why did I not withdraw mine, I said it was important for us to get a feel of what the public wants or what we want. So what I will ask the Members to do, certainly, do not vote for something you do not have any conviction for in yourselves and then throw it on to the public and ask them what they think about it because if they come back and say: "We do not like it", where are we? We have got to go and throw something else at them that we do not like because, as I say, we cannot make the decision ourselves. So certainly, I will not be supporting this and I would ask Members do not support it if they have not got their heart in it and do not throw it out to the public for them to make a decision because we know what their decision will be, the same as mine.

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

Could I ask the Chair ... I have spoken but I have some points of information which I think will be useful to all Members. I have just submitted a proposition today - I am mindful of the fact that this proposition may not go through - asking for a referendum on the issue of Constables. That is all. I will leave Members to ponder that, I think it may be consequential on this debate.

### **The Bailiff:**

I call upon the Connétable of St. Mary to reply.

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

There are many, many issues raised there. There is not any need, I think, for me to go through all of them. There are some things that I think must be addressed, some general things that I would like to say. Firstly, I think I made it quite clear, as several Members have said from the outset, that this was not a perfect proposition. The outcome of the consultation showed that different people wanted different things from this system. Some of the things that were required really were mutually exclusive. Some of them, if you followed down one path, meant that you could not do another, for example, somebody said in a debate people wanted an all-Island mandate. They wanted everybody elected on the same day. They wanted fewer States Members but they wanted to

keep the Senators and the Constables and they did not want to get rid of any Deputies. It just was not possible. As many Members have said, P.P.C. was charged to bring something forward. We have brought what we felt to be the best solution. Basically, P.P.C., made up of an extremely wide range of members with very differing views, looked at everything that had gone before and that is not just the MORI polls but there are many, many questions that have been asked: "Why did we not consider X? Why did we not consider Y?" These issues have, by and large, all been considered in great detail during debates in this House within the last 3 years. This folder, apart from 2 or 3 sheets at the beginning, contains the debates, the questions, the ideas put forward in the last 3 years. Here are the 180,000 words. I wonder what else remains to be said. P.P.C. made it clear that it was impossible to meet all the requirements absolutely. In speeches made in debates today and yesterday it is clear that many Members, generally, understood that. Some Members, in raising their questions, did not take on board that wide spectrum of consultation and relied on too narrow of a focus, wondering why we had not done certain things when in fact they have been done in very recent times. There is very, very little new under the sun. People have been coming up with other ideas, what if, what if? The Deputy of St. Mary says he has lodged his amendment as a standalone proposition. Well, we will debate that if it comes to it but of course does not meet many of the requirements that have been illustrated. One of the fundamental things we did in recent years was to bring the Constables into line on election days. One of the reasons for that was, of course, that after 2011 all of those Constables would be available on the day that we constituted the new ministerial system to take full part in panels, in committees, in ministries if necessary. That is one of the essential things about bringing everybody together. That, I would say, is one of the most basic things that we need to do. Anything that comes before the House that takes that away is, in my opinion, another issue and probably not satisfactory but let us deal with what is on the table today. Starting, perhaps, at the end of the debate with Senator Ozouf, I was pleased with his upbeat introduction and he has the confidence that the Island will rebound. We need more speeches like that because it is true and he did have some very interesting viewpoints. **[Laughter]** No, no, no. He asked me to explain something but then he did not tell me what it was he wanted me to explain but I am quite happy about that because now I do not have to do it, but I would just say where was the amendment that put that in? We put our proposition on the table. We put our proposition on the table 3 and a half months ago. Now, as I say, we did a composite investigation. We had some very valid amendments, we did and they were debated. One Member said it was a shame that the Deputy of St. Martin had not had more of a speech but I think the Deputy acknowledged the debate had largely been had. I do not think he was cheated and I think he gave a good account of himself, but we are today discussing the proposition unamended now that we have put on the table for debate. Right, where to start really? First of all I was remiss. I thank everybody who spoke because it is a very important debate. I am grateful for all your contributions whether or not this goes through. There was a lot of pessimism. I hope something happens today but if it does not, and I think there are extra things that we can take on board from the things that have been said, I want to be constructive and I welcome the constructive comments that have been made. I welcome Senator Perchard's comments and we see a Senator who is willing to take this step. I would like to say a little bit about turkeys and barnyards and I know this is going back a bit but in the last debate, of course, I was supportive of the very similar proposition. I voted for it as a Deputy, as a Deputy on a very small mandate, as a Deputy with a very good return knowing that I put that on the line because I thought the proposition before me was the right one to go for. Senator Perchard seems to have the same opinion. I am sure there are others who believe that and who are capable of doing that step. So, I do not think the turkeys and barnyard scenario works here but at the same time I take fully on board what the Deputy of St. Martin said: "If you do not believe in your heart that this proposition is the correct proposition then do not support it." This is a particularly important proposition. What Members need to do today is to look at this and think it is time to decide. It is not a perfect fit but, as I have said, a wide range of members making up P.P.C. could not collectively come up with something that fitted the requirements better. Members must either consider that this is a commendable way forward and that it has merits and the merits outweigh its

shortcomings or if they do not accept that then they should not accept the proposal. This is too important an issue to go into without conviction but it is true and it is vital that we are prepared to go forward, and if the electorate back this proposition in a referendum we should be prepared to act on that because that would be the ultimate betrayal to put it to a referendum and then not to listen to the results of the referendum. As for what the referendum will ask, well, some Members seem to have thought that it would be better to go to the electorate with lots of different options. Well, in fact, consultation did that but what you cannot do in a referendum is put many different options because people have different requirements and then they cannot fit their particular choices necessarily into a neat box. The task of P.P.C. was to find the workable solution that met as many of the boxes as possible and then to put that back to the people and say: "This is the best we can do with what you want. Is this, in fact, what you had in mind? Are you prepared to support this?" It is not possible, I believe, to go with a wide range of options and in fact I am sure this House discussed that not so long ago about how to do it. A referendum must be clear. It must leave an answer with nothing for ambiguity. We tested it with: "Do you wish to move to daylight hours [or whatever we called it] C.E.T. (Central European Time)?" It was a yes or a no. That is the sort of thing you need. If the question is phrased - and it will be phrased very carefully - it will be phrased something, I would imagine: "The States voted to recommend this proposal, do you wish to move to that proposal?" That would automatically mean that if you say no you were left where you are. I mean that is how I see it. A referendum has to be a very clear and a very limited choice. Deputy Tadier wanted to know could we get more information from it, well of course we could because if the referendum fails and it is possible, if people really do not want this, if they do not believe that this large constituency is workable, if it is a sticking point for example, it is possible to do an exit poll or something similar from the referendum to gain more information about what the people would have wanted instead. That is perfectly possible but it cannot form part of the actual decision. Deputy Vallois gave sensible constructive comment and I thank her for it. She was lucid and sometimes in a debate like this that is hard to keep track of. Deputy Shona Pitman did not seem to take my words out of context when I said that Deputies were not a part of the municipality, they had a political role. That actually is true. They are elected politically to represent. They are not elected within the Parish of municipality. That does not mean that it is not an insult, that it is not a sleight but is a fact and I do not believe, as the Deputy seems to think, that democracy and tradition are mutually exclusive. I believe there is room for both. The Deputy of St. John, I think, has just slightly muddied the water. The review that he was talking about earlier I am sure - although I do not have it in front of me - was not specifically raised at composition and election. It was raised at the government review generally, ministerial system. It is a lot wider than what we are dealing with now and the review into that had only just taken place. He also seems to confuse being a Parish Deputy, which he is now, with being a Deputy elected in a wider constituency. For example, I ask myself, do all 12 Senators now currently attend Parish Assemblies in all 12 Parishes? I would suggest probably they do not. I do not believe they could possibly attend Assemblies in all 12 Parishes. I would imagine that they attend possibly in the one where they live. **[Interruption]**

**The Deputy of St. John:**

Correction, if I may. I have not seen any of the Senators at one of our Parish Assemblies in recent times other than for general election.

**The Connétable of St. Mary:**

Well, that may well be Deputy. However, in some Parishes the Senators who live there do attend. The point I make though is that when you move to a different kind of mandate the requirements for the Parish Assembly are different. The Constables, under the current proposal, are the dedicated Parish representative. Deputies are more than welcome to attend if they live in the Parish. I want to be very, very brief but I really do not want to miss everyone who has asked a question. I have answered the first part of the Deputy of St. Martin's question which I received via the Constable on my left because I was out of the Chamber very, very briefly, as briefly as possible, and I could not

wait any longer. The Deputy of St. Martin also asked: “How would people feel about having a reduced number of people they could vote for?” Well, that is a factor of our proposal but our proposal does give people much more parity in the number of votes they have, even though it is fewer. I would hope that the outcome would be that it would encourage them to use their vote more wisely and to choose more wisely. One speaker said: “Had we considered just reducing the number of Senators?” Well, that was considered in some debate some time ago but it does not alter the position that even reducing the number of Senators ... if you go to a 4-year term, leave the senatorial position in jeopardy, that being because, as people have said, what is the incentive to stand with all that extra burden of responsibility and of the enormous task of standing for Island-wide mandate, you have the same position when elected? You have the possibility of attaining any of the positions in the States. You have the same vote. You have the same term of office. There is a real danger that the senatorial position would lose its own validity and that candidates would be left able to sneak in through the senatorial positions. That is a possibility. It is very difficult to maintain the senatorial mandate with the same term of office as everyone else. Some Members said we were trying to do too much to do it all at once and we should be dealing with this in smaller chunks perhaps. That has been tried and tried. We have had propositions about the term of office. We have had propositions about the Constables. We have had all sorts of different things. We have never reached a conclusion that was workable. I think I am reaching the epic conclusion. I did not really want to miss anybody out because there were so many valid points raised on both sides. If I have forgotten anybody they will obviously come back to me and ask. I encourage Members to view this subjectively, to see if they believe this can work, to see if they believe it is right and if so to trust the people to make the right decision in a referendum. I ask for the vote of your conviction. I ask you to consider if this is the best way forward. This is a reform. It meets, to some degree, the requirements of the electorate as stated in the research we have undertaken over the last 3 years. There is nothing, nothing more to be said. I make the proposition and I ask for the appel.

**The Bailiff:**

The appel is asked for then in relation to Projet 72, the proposition of the Privileges and Procedures Committee. I invite all Members to return to their seats and ... **[Interruption]**

**4. Composition and election of the States: revised structure - suspend Standing Order 89(a)**

**4.1 Deputy M. Tadier:**

Sir, can I propose Standing Order 80 be used in order to lift Standing Order 89(a) which deals with the required 27 votes that would be needed for this? **[Interruption]** Well, I believe I can and I am asking if I may do that. I am proposing that.

**The Bailiff:**

You want to propose that Standing Order 89(a) be suspended.

**Deputy M. Tadier:**

That is correct, Sir.

**The Bailiff:**

It is a bit late in the day Deputy, is it not?

**Deputy M. Tadier:**

It is quite late in the day. Well, I presumed it is the right time to do it, Sir. I have never done this before, Sir.

**Senator B.E. Shenton:**

Sir, could I propose that we just abolish Standing Orders if we are going to go along this path.

**Deputy M. Tadier:**

No, I can say why I am proposing that.

**The Bailiff:**

Standing Orders say that a Member may, without notice, propose that one or more Standing Orders be suspended for a specified purpose and there is no discretion from the Chair to exercise that so Deputy, if you wish to propose it you had better say briefly why you want to propose it.

**Deputy M. Tadier:**

Indeed I will do that. Essentially the reason, we know that a former Senator - I will not name him because he is not here to defend himself - offered a proposal that any kind of constitutional reform to do with States, the make up of the States, should have an absolute majority, therefore 27 votes in the States. Now, I believe that there are certain people who are not present today and I believe that the underlying logic or rationale with that particular States Member was to block any kind of democratic change and my conviction is that we should just be dealing with those who are here. If we can get a working majority ... if there are only 50 of us, I think if we can get 26 that should be sufficient. If there are 48 of us then 25 should be sufficient. I leave it entirely for the House to decide that though.

**The Bailiff:**

If the proposition seconded? **[Seconded]** Very well. Now, does any Member want to speak on the proposition briefly?

**4.1.1 Senator S. Syvret:**

I do, Sir, and unusually I am going to disagree with the Deputy. I do not believe it is appropriate to suspend the Standing Order in question. I think that decisions that are of such fundamental importance as the democratic make up of this Assembly, absolute foundation stones of democracy in the Island, should in fact require a clear and unambiguous majority of the membership of the House. You could have a situation otherwise where there could be a meeting where, for example, there were only 27 Members present and you could end up with 14 or whatever making a decision to fundamentally change the democratic structure of our system. I do not think it is credible. I do think that propositions of this nature, that potentially could have quite significant and far reaching implications, it is entirely appropriate to expect there to be a clear majority of the membership of the House. **[Approbation]**

**Senator J.L. Perchard:**

Sir, could I ask for a ruling from you. If this proposition were approved without a majority of 27 we are not changing the democratic structure of this House, we are agreeing to a referendum and that question will be proposed at another time, Sir. Does the Standing Order apply in this case?

**The Bailiff:**

Yes it does; the proposition to alter the membership of the States of Jersey.

**4.1.2 The Connétable of St. Mary:**

Again, I spoke earlier this week to say that I think we meddle with Standing Orders on an ad hoc basis at our peril. Standing Orders govern us. They are our own choosing. They were not imposed upon this Assembly. This Assembly adopted them and from time to time, as happened in this case with Amendment No. 8 for Standing Orders, we choose to change them. It did not happen to stifle democracy. In my opinion, it happened so that we could be sure that when we recommended change there was a clear mandate for it. Could anybody here imagine what would happen if this current proposition, P.72, was adopted on a less than absolute majority and then when it came back after a referendum the Members who had not voted say: "Well, I did not vote for that. I am not standing for that, it is just not on." We had a reasonably lengthy debate on it, arguments on both

sides were expressed and at the end 35 Members voted pour, a substantial and significant majority and I think to waive that, when this debate is exactly the kind of debate that it was designed to safeguard, would be a completely erroneous thing to do. I am particularly glad that Senator Syvret rose to speak because I think it should be noted, although I do not believe the Senator spoke in the actual debate, after the debate he wanted it to be put on record that he had only voted for it in the hope that it would end all these groundhog days of torture about these kinds of debates. Senator, I am sorry, it did not but let us hope that it might in future.

**The Bailiff:**

Does any other Member wish to speak on this proposition to suspend Standing Order 89(a)? Do you wish to reply, Deputy Tadier?

**4.1.3 Deputy M. Tadier:**

I do, Sir, just briefly. I have some sympathy with the comments of Senator Syvret but let me first of all take you to the point raised by the Constable of St. Mary. I also agree that we should not be lifting Standing Orders willy-nilly and that is why a couple of weeks ago or the last time we met in P.P.C., I did ask the Greffier if there was any way, more democratically, to bring a change to Standing Orders so that we could rescind this particular Standing Order or this Rule - I do not know if it was necessarily a Standing Order at that point. I was told that there is nothing that could be done in the form of a proposition. I believe that is correct in order to change Standing Orders but that I could ask for Standing Orders to be lifted. That is why I am doing it ...

**The Bailiff:**

Deputy, I am sorry, it is always possible to bring a proposition to change Standing Orders.

**Deputy M. Tadier:**

Okay, but perhaps there was a misunderstanding but certainly it would have been my preference to change this via a proposition but obviously it is to do with timing as well, there is that issue. I do have some sympathy with the comments of Senator Syvret. Obviously constitutional reform is important. It is so important though that I believe that people should have the courage to sit in the Chamber and vote on it. Now, I know that there are 2 Constables who were here before, they have mysteriously gone walkabout. In invoking this particular Standing Order to be lifted I was hoping it might spur these people to come back into the Chamber so that they could ... and there is also, we know, someone from P.P.C. - I will not mention any names - who is not here. That is completely unacceptable. There are other Members ... why are people leaving the Chamber when there is a vote to be taken and they know that we need 27 votes in order to get this through, so they need to be in the Chamber, if it could be assured. These people are here, most of them. Why are they not in the Chamber because it is completely unsatisfactory if this gets 26 votes with 6 or 7 abstentions?

**The Bailiff:**

Do you ask for the appel or not, Deputy?

**Connétable D.J. Murphy of Grouville:**

Sir, on a point of order, this vote proposed by Deputy Tadier means that we will be overturning the 27 vote rule. Well, do we need 27 votes to overturn that rule?

**The Bailiff:**

No, ironically, you do not. **[Laughter]** Now, Deputy Tadier, are you asking for the appel?

**Deputy M. Tadier:**

Yes, Sir.

**The Bailiff:**

Very well. The appel is called for then in relation to the proposition of Deputy Tadier that Standing Order 89(a), which requires an absolute majority of Members on a proposition of this nature, to be suspended so that an ordinary majority of those present would do. Now, those who want to support Deputy Tadier vote pour, those who do not vote contre and the Greffier will open the voting.

<b>POUR: 4</b>		<b>CONTRE: 44</b>		<b>ABSTAIN: 0</b>
Connétable of St. Clement		Senator S. Syvret		
Deputy J.A. Martin (H)		Senator T.A. Le Sueur		
Deputy M. Tadier (B)		Senator P.F. Routier		
Deputy T.M. Pitman (H)		Senator P.F.C. Ozouf		
		Senator T.J. Le Main		
		Senator B.E. Shenton		
		Senator F.E. Cohen		
		Senator J.L. Perchard		
		Senator A. Breckon		
		Senator S.C. Ferguson		
		Senator A.J.D. Maclean		
		Senator B.I. Le Marquand		
		Connétable of St. Helier		
		Connétable of Trinity		
		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Saviour		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		

		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
	Deputy D. De Sousa (H)			
		Deputy J.M. Maçon (S)		

## 5. Composition and election of the States: revised structure (P.72/2009) (continued)

### The Bailiff:

Very well. Then we return to the vote on the main proposition, that is Projet 72 of the Privileges and Procedures Committee and I invite Members to return to their seats. The Greffier will now open the voting. Have all Members had an opportunity of voting? The Greffier will close the voting.

<b>POUR: 10</b>		<b>CONTRE: 38</b>		<b>ABSTAIN: 0</b>
Senator J.L. Perchard		Senator S. Syvret		
Connétable of St. Mary		Senator T.A. Le Sueur		
Deputy R.C. Duhamel (S)		Senator P.F. Routier		
Deputy J.B. Fox (H)		Senator P.F.C. Ozouf		
Deputy J.A. Martin (H)		Senator T.J. Le Main		
Deputy S. Pitman (H)		Senator B.E. Shenton		
Deputy M. Tadier (B)		Senator F.E. Cohen		
Deputy T.M. Pitman (H)		Senator A. Breckon		
Deputy D. De Sousa (H)		Senator S.C. Ferguson		
Deputy J.M. Maçon (S)		Senator A.J.D. Maclean		
		Senator B.I. Le Marquand		
		Connétable of St. Helier		
		Connétable of Trinity		



		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Lawrence		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy of St. Mary		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		

## **ADJOURNMENT PROPOSED**

### **Senator S. Syvret:**

It is 5.30 p.m., Sir, and there is still a lot of substantial business on the Order Paper so I propose the adjournment.

### **The Bailiff:**

The adjournment is proposed.

### **The Connétable of St. Mary:**

Sir, I just wonder, could I possibly test the mood of the House? I did ask, if you remember, at the lunchtime adjournment whether Members would be content to start the debate for the Business Plan on the Monday of that week in the afternoon. I have not had any negative comments so I wonder if I could move that we do. The only comment I have is that there was a meeting scheduled for that lunchtime which is not likely to finish until 2.30 p.m. I wonder if we might start the meeting at 2.30 p.m. on the Monday.

### **The Bailiff:**

Well, you said you wished to test the mood of the House this evening. Very well. The matter before the Assembly then is to whether to start the next sitting of the Assembly at 2.30 p.m. on the Monday. The idea being, as I understand it, to clear questions and so forth and start the Business Plan debate on the Tuesday morning.

### **The Connétable of St. Mary:**

That is correct, Sir, yes.

### **The Bailiff:**

Does any Member wish to say anything on this?

**Senator A. Breckon:**

Sir, I wonder if I could seek your guidance. What then would be the schedule for Members who wanted to ask written or oral questions if the States were to sit in the afternoon for that purpose?

**The Connétable of St. Mary:**

Sir, that is why I wanted to test the mood now, Sir, to give the Greffier time to circulate to Members the actual revised lodging time, Sir.

**The Bailiff:**

I presume the Greffier would have to be a day earlier, would he, so it would be one day earlier than normal for questions. Deputy of St. John?

**The Deputy of St. John:**

Yes, Sir. A quick glance at my diary, Sir. We have got some Scrutiny hearings that morning which could run over into the afternoon and obviously without checking with my officers, et cetera, it is difficult to make a decision on the hoof like this when we have got people who will be coming in specifically to give evidence, Sir.

**The Deputy of St. Mary:**

Can I say that Economic Scrutiny are pressing ahead with the Depositor Compensation Scheme and I think we have hearings on the Monday because we have asked the Minister and we have asked ... I think we have, yes. There is a possibility of Monday being used, I am sure there is ...

**The Bailiff:**

Connétable, would it be preferable to leave this perhaps until either first thing tomorrow morning when Members, now that you have given them notice, can think about it overnight and look at their diaries and consider it then. Is that agreed?

**The Connétable of St. Mary:**

Thank you for your guidance, Sir, yes.

**The Deputy of St. John:**

If it could be until lunchtime because it gives our officers time to see if things can be rearranged if need be.

**The Bailiff:**

Lunchtime? Very well. So the Assembly stands adjourned until 9.30 a.m. tomorrow.

**ADJOURNMENT**