

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 13th OCTOBER 2010

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

[09:38]

**PUBLIC BUSINESS - resumption**

**1. Property and Infrastructure Regeneration: The States of Jersey Development Company Limited (P.73/2010) - resumption**

**The Deputy Bailiff:**

The Assembly now resumes debate on P.73 - Property and Infrastructure Regeneration: The States of Jersey Development Company Limited - and I call on Senator Perchard.

**The Deputy Bailiff:**

Senator Perchard.

**1.1 Senator J.L. Perchard:**

Just about every speaker in the debate yesterday afternoon expressed some disappointment with the performance of the Waterfront Enterprise Board since its formation in the late 1970s I think. No, I beg your pardon, 1995 when it was formally incorporated. Disappointment, and different people have different issues with the company but I expect it started with the underpass really, the cinema, the fast food complexes, the steam clock and the hotel described as a carbuncle. It pays no dividends. It is in receipt of taxpayers' funding and has been in receipt of £40 million of the taxpayers' funding and huge areas of very prime real estate. There has not been a lot of confidence expressed in the Waterfront Enterprise Board over the years and much dissatisfaction with the company. We all agree, the Chief Minister said, the current directors of W.E.B. (Waterfront Enterprise Board) have said during this debate that W.E.B. needs to change for the better. We have a proposition here and I have looked at this quite closely over the months, because we have had many months to look at P.73 and its predecessors. What is really being proposed here? When you drill down you look at the memorandum of articles of the Waterfront Enterprise Board, I have them here. These are the consultative documents incorporated in 1996 and this is the original memorandum of articles of the Waterfront Enterprise Board. When you compare this with the proposed memorandum of articles for the new company you can find very, very little difference. I have highlighted a few places and I will talk about them. Basically we are the same company. What is being proposed here, when you drill down and try to find the facts: there is a company name change and the removal of States directors from the board - something which I, as a previous director, would support. The Comptroller and Auditor General supports such a move and I think the States realise that it is a terribly difficult position to put a States Member in. So, the removal of the States Members from the board and a company name change. It also proposes appendix 1 of the document, which is appended to the memorandum of understandings of the new company, is a new relationship, a new shareholder representative to represent the people of Jersey and that is the Minister for Treasury and Resources would become the new shareholder representative and will be expected to hold the company to account on behalf of the people and taxpayers and the States of Jersey. It also proposes, not in the memorandum of articles, but an expanded role for the company, a new role to enable it to function outside the Waterfront as the preferred developer for the States of Jersey, Property Holdings Department, which is a subsection of the Treasury Department of course. We have got the Minister for Treasury and Resources holding to account a company that is being employed to develop States assets on and outside the Waterfront. Cosy but okay. That is about it. I challenge any Member to tell me what other reason there is to create this turmoil? It is not. This master planning and regeneration, do not be fooled Members, can happen tomorrow. It can happen with W.E.B., without W.E.B., with States of Jersey Development Company and should happen, must happen. I applaud the Minister for Planning and Environment for his initiative. It seems like a long time ago, when he decided to engage a master planner for the North of Town. This is something that the States have been deficient on. We should have a vision. It can evolve, it can be changed by successive States but there should be a vision certainly for the Waterfront and possibly

a vision for areas like perhaps St. Saviour's Hospital. There is, we all know, a wonderful States asset there. What is the plan? We have an approved master plan for the Esplanade Quarter, the States approved that and as there is a proposition pending some Members are concerned as to whether the time is right to proceed. But there is an approved master plan for the Esplanade Quarter. Several speakers, including the 3 directors of W.E.B., said yesterday: "We need to create the States of Jersey Development Company so we can proceed with the Esplanade Quarter." This is simply not the case. W.E.B. have everything they need to proceed to develop the Esplanade Quarter.

[09:45]

The reason why I suggest the Esplanade Quarter is not being progressed at the moment is that there is a lack of confidence out there in investors, plus prospective tenants, somebody is mentioning Harcourt; there is a problem with Harcourt but there are, of course, other developers. But the fact is the momentum is not there at the moment, not like it was pre-2008. There was a momentum and it is difficult now. It is difficult at this time. There are lots of reasons but basically these reasons are based around the financial downturn that happened 2 years ago. Others have said that interfering Ministers might be the problem, interfering States Members holding up the progress: this is not the case. W.E.B. have the ability in law, the tools in practice to deliver a first class Waterfront. Changing the name of the company or the lines of accountability are not the reasons why this is not happening. So why are we trying to drive this through now at this time? Why do we not recognise the deficiencies of W.E.B. and try and put that right? We do need some skilful new directors and we do need to remove the States directors from the board, not because they are not skilful but they have, as has been identified, a conflict. We do need to define clear lines of accountability and shareholder accountability for the board. The board need to know what is expected of them. We should be charging W.E.B. at this time into turning itself into a trusted reliable efficient company, one that proves that it is capable of expanding its operations into other areas of States of Jersey development. We are asking this company, when we are not satisfied with it, to expand and to take on contracts outside the Waterfront, to have a greater turnover and more responsibility. I am not sure if we are doing this right. Personally I am terrified of the thought of asking a company, that we all admit needs to change and must do better, to expand. There was a suggestion yesterday that we are going to ask the States of Jersey Development Company, if approved, to become a developer and start developing. I am terribly worried, as I say, about this and I just do not want the States to create a monster that we cannot control. I believe we have got a core problem with the structure of W.E.B. and/or the States of Jersey Development Company, should we form it. These are not like any normal plcs. A normal plc... and I have been a director of some and very humble beginnings all of them. You stand or fall on your performance. You have the ultimate threat of bankruptcy. Certainly, if you do not perform, your director's fees and remuneration will be affected. I remember those times well in my early years in business that everybody got paid except us, the owners of the company. We lived on a shoestring for many years with the company because we had a vision and we ploughed back any profits we had. The threat of bankruptcy haunts most directors and shareholders. Why I say W.E.B. and the States of Jersey, the chemistry is not quite right because this threat does not exist. This company is gold-plated, it is a cruise liner, it has no risk. The States are there. The staff: what motivates them? They get bonuses; well some get bonuses, even when there is dissatisfaction with the company. What drives individuals, director, an employee of a company if it is not the promise of profits and a better tomorrow for your business. This chemistry does not quite fit with me and that is why I am concerned about expanding the company, we may be creating a monster.

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

Sir, I wonder if the speaker would give way?

**Senator J.L. Perchard:**

Of course.

**Deputy I.J. Gorst:**

Perhaps he is one of the few people in this Assembly positioned to answer his own question having been a director of W.E.B. in the past.

**Senator J.L. Perchard:**

Thank you for that question, Deputy. I do speak with some knowledge about the difficulty here. I am not trying to be a vandal here, I am just urging caution. I think W.E.B. should be asked to perform and get its house in order and show that it can be a trusted reliable company before we look to expand it, it is as simple as that. I warn this House that if we do create the States of Jersey Development Company and the turnover doubles, the staff and payroll double, and there is still dissatisfaction and some future Member of this House writes to the Chief Minister and says... as I did on the 11th May of this year in a written question in this House asking for information about the activities of W.E.B., contracts, and whether the Council of Ministers would take some responsibility for endorsing these contracts of employment. Of course there was a long well-considered answer but the guts of this answer was: "Senator, you do not have a dog and bark yourself." The States of Jersey appointed a board of directors and they are responsible for the running of this company, which is quite true. But it goes back to my point of being a cushion and a reality that does not exist. They have the support of the mandate from the States to operate but yet they operate in a cushioned cosy world. I think this is dangerous at this time. I cannot see why we do not simply appoint a proper board of W.E.B. and true lines of accountability, give them proper directives and ask W.E.B. to perform. If they can perform then we could consider, in years to come, expanding their role should they be a model. If there are contracts outside the Waterfront that need developing, and there will be, I suspect a master plan; the Regeneration Steering Group would sit, we spoke about St. Saviour's Hospital earlier, but there are other States assets: Le Bas Centre springs to mind and I am sure there are many more and we will all have our favourite. These can be developed and I would suggest, not by the States, but if we could identify their future use through a proper process and master planning, put them up for sale to a Jersey developer who will employ Jersey people and pay Jersey tax, that would be our most efficient way. Attempting to develop these sites ourselves is dangerous, we are not good at that. What the Waterfront Enterprise Board has done, and I fear what the States of Jersey Development Company might do, is as they have done on the Waterfront: take receipts of hundreds of millions of pounds of States assets and been handed over along with received money of £45 million. To form this company they have States assets which they own. Let us take the Liberation Station or Minister Maclean's new shiny tourism building, let us look at this, simply what happened: we hand over those sites to W.E.B. along with all the land on the Waterfront. W.E.B. then identify a footprint and a developer. They then sell that footprint to a developer for 150 years. That developer, through the proper planning processes and in agreement with W.E.B., builds a building or renovates a building. Then he rents it back, in these 2 cases, to the States. £100,000 a year Minister Maclean is paying for his building and £100,000 Minister Jackson is paying for his, for a century and a half. I did tell you that I come from a small business background but I am not sure that is good business but that is only 2 sides. We have got the whole of south of the Weighbridge where we are doing this. Is this really good practice? A consequence of this is we have got a developer, I think in all cases an outside developer, somebody from outside the Island, who then sublets, if not to the States of Jersey to the U.K. (United Kingdom) usually, retailers, coffee shops, pasty shops, nightclub owners. Jersey is losing its identity here and an opportunity to recover any income tax. This is all outside money, so these are corporates owned outside the Island with their shareholders resident outside the Island contributing no tax. I am not sure, if we just head down and carry on in this direction, whether we are doing any justice to our people of Jersey. I think we are. I think we have started to take stock here and understand not only what we would like a building to look like but how do we want it to function. Deputy Wimberley spoke about community. Obviously these projects need to be

economically viable but we need to consider other areas other than just the bottom line and we are not doing that very well. I urge caution, I can feel that I am on the verge of being repetitive, and I see no reason why the States need to embark on this huge company at this time, extending its role and asking it to become bigger and possibly more dangerous. Insist that W.E.B. starts to perform, to get its house in order, to start providing value for money for Jersey and to turn around its terrible image that it has with this House and with the people of Jersey before we expand its functions.

**Senator S.C. Ferguson:**

Sir, can I ask for point of clarification? Would the Senator be able to tell us if the tourism building negotiations were done when he was a director of W.E.B.?

**Senator J.L. Perchard:**

No, I am not and of course the Senator ...

**The Deputy Bailiff:**

You were asked to clarify Senator, please carry on.

**Senator J.L. Perchard:**

Thank you. I am not able to clarify that but of course the Senator must understand that the negotiations between the Tourism Department over that building are not held with W.E.B., they are held with this developer who has a lease for 150 years.

**Senator S.C. Ferguson:**

Sir, it was not quite my clarification. Was the Senator...

**The Deputy Bailiff:**

You asked whether he was a director and he said he was not able to clarify that, Senator.

**Senator S.C. Ferguson:**

All right.

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

Sir, if I could be of assistance, I know that we covered that on Shadow Scrutiny before the Senator was in the States so he would not have been a director.

**Senator A.J.H. Maclean:**

Sir, sorry, I just might be a little help on that matter, the Senator was referring to the building of tourism, which obviously is occupied under my department ...

**The Deputy Bailiff:**

Senator, you are going to speak in a moment. Do you want this to count as your speech?

**Senator A.J.H. Maclean:**

No, Sir, I was going to clarify the point.

**The Deputy Bailiff:**

If I may say so, we will come to you and you will be able to speak later on it, if it is a relevant point. The Deputy of St. Peter.

**1.1.1 Deputy C.H. Egré of St. Peter:**

I am pleased to follow a former director of W.E.B. This particular process has proved to be a very, very sad exercise. We, as a Scrutiny Panel, as has been rightly pointed out by the Chief Minister, have been looking at this particular proposition over a period of about 2½ years. During that period we saw the Minister himself pull back on the Jersey Enterprise Board.

[10:00]

We then had the proposition for the setting up of S.O.J.D.C. (States of Jersey Development Company). We reviewed that, it came to the States and it was decided to reference back for further information. We now hit what has turned out to be a very interesting timeline. The Chief Minister's office, and I use those words advisedly, went back and produced P.79 reissue. As a Scrutiny team we had been waiting for that P.79 reissue to come to the fore. It did, with a due debate date of 19th July 2010. At that particular point I was invited, as I have already mentioned before, by the Chief Minister to attend a meeting in his office which a member of the Scrutiny staff attended with me. At that particular meeting the first comment that was made by the Chief Minister was an apology for the delay because, as part of the original review, the Chief Minister's office decided to set up its own independent review of the role of W.E.B. through DTZ. We were obviously awaiting that DTZ report. That DTZ report was published to the officers within the Executive, both at Planning and elsewhere. It was not given to the Scrutiny team, as would have been expected. Eventually I did get a copy. At that particular meeting the Chief Minister did apologise for the delay, from January through to June: the cause was because of a dispute between DTZ and W.E.B. Now lots has been said by the directors of W.E.B. that there was no dispute. I was at that meeting and that was said. It was dutifully noted by my member of Scrutiny staff. Also at that meeting the Minister for Treasury and Resources was there, the Chief Executive was there and also another executive was there. At no time did anyone leap up and tell the Chief Minister: "Chief Minister, you got that wrong, there was not a problem." During that same meeting I pointed out to the Chief Minister that the P.79 reissue, in the actual provision itself, stated quite clearly that W.E.B. was to have a name change into S.O.J.D.C. This was totally contrary to the recommendation that we had put in our report, which was that there should be an absolute clear division between the change over from W.E.B. to S.O.J.D.C. It was underlined within that report, to make sure there was no doubt, there was that true division. That recommendation was accepted in its entirety by the Executive at that time. It is interesting to note, looking at the timeline that was given to us yesterday, that P.73 was set up on the 18th June 2010. There is the first anomaly because at that meeting, when I highlighted the fact of how the proposition was written, P.73 appeared the following day, within 24 hours, with that amendment having taken the element out where the proposition was stating that there was going to be a name change from W.E.B. to S.O.J.D.C. It was at that point, and not at 18th June 2010, that I informed the Chief Minister that we would be carrying out a review. As part of that review we requested that we were able to receive copies of the original DTZ report. I had discussions with the Chief Minister in this House, before we were sitting, on a couple of occasions and he assured me that he was going to attempt to make sure that we had available to the panel the original DTZ report. On a particular States sitting, which I recall very clearly, I had spoken to the Chief Minister in the morning requesting that we get a copy of this DTZ report and he said: "Yes", he realised it had not been done and he was going to try and get it actioned. It was to my amazement, when sitting in this chair, that I received an email on one of these dreaded mobile phones to tell me that a letter had been sent from the Chief Minister's Department to my Scrutiny officer, indicating that the DTZ report would not be available to us. Furthermore, I was astounded to note that within the letter there was a line which stated: "I have discussed this with the Chief Minister and the Chief Executive and we concur with the view." Now, that surprised me because I had had that discussion with the Chief Minister literally a matter of a couple of hours before. I left the Chamber and went up and got a hard copy and I then attempted to find the Chief Minister, which I did. I said: "Have you seen this?" and he indicated that he had and he was dealing with it. I then went back up to the Scrutiny office and briefed my Scrutiny officer accordingly and she said to me: "Well that is strange, Deputy, because I have just had a telephone call from the Chief Executive's office asking me not to send out that email regarding the DTZ report being released." Because apparently, from the telephone conversation she had had with the Chief Minister's office, the word was "something has come up". What came up was that the Chief Minister apparently had not discussed it with the Deputy Chief

Executive who signed-off the letter saying that we were not to have it. You can imagine the concern that that rattled around within the Scrutiny Panel: "What is going on here?" Bearing in mind that both the Chief Minister and the Minister for Treasury and Resources have, on many occasions, said in this Assembly how important it was that the actual relationship that they had between the Corporate Scrutiny Panel and the Executive, it had been working very well up until this point. To cut the story short, eventually we did get a copy of the DTZ report, the original copy, and we were then able to compare it with the final copy. As the Chief Minister has always said, he respects the role of the Corporate Scrutiny Panel, and when we signed-off a confidentiality agreement we mean it. So the DTZ report was given to us in confidence. We have heard remarks made on the floor of this Assembly about perceived differences in the 2 reports. I have here - and it will not be available to everybody so trust me - a document which compares information from both the original report and second report. There are 30 differences in tone and content. Some of them are trivial, some are not but there were that many changes. We continued with our review. We spoke with the Chief Minister, we spoke with the Minister for Treasury and Resources, we spoke with Property Holdings and we spoke with the board of directors of W.E.B. I would just like to cover that last particular element because I know the Constable of St. Peter did mention it. The panel invited W.E.B. to come and speak to us and we invited the Managing Director and the Finance Director, I believe, as I recall. We then got a message from the Managing Director saying that he was going to come with the whole of the board. Now that is unusual. The invitation normally comes from the Scrutiny Panel, not the other way around. It was the Managing Director and the Acting Chairman of the board which we thought would cover both issues, the executive directors and the non-executive directors. I did invite another member of the board to attend. The idea that the board were not able to put their views across to the panel I find strange. I do not think you need a full board of non-executive directors to put forward the view of the board when their Acting Chairman is there. The issues continued. There were rumours and statements made about contracts and the inability to move W.E.B. and S.O.J.D.C. together because of complications with the contracts. There were 2 issues with contracts: one issue was to do with development contracts, which have already been talked about, the other one was quite clear to do with contracts of individual members of the executive directorship. Firstly, I must apologise for getting it wrong because we did ask for the contracts of the executive directors. I have now been informed, rightly so, that there is only one executive director because the Director of Finance, apparently, is not an executive director. I apologise for making that mistake and I certainly have not made that same mistake when dealing with Jersey Post, who have their financial director as an executive director, and I was surprised to note that there is only one executive director involved at W.E.B. The Assembly will be aware of the problems we had in getting those contracts. I was amazed yesterday to be told that we were going to have access to those contracts at 4.05 p.m. yesterday afternoon for the contract. I had a very open and frank discussion with the Managing Director of W.E.B. who turned up in this Assembly - in the rooms downstairs - and allowed me to go through his contract in detail. I have to say, that having read it, it left me in dismay; not by the fact that there was anything in that contract that was difficult to understand, not that there was anything there that came in the contract that surprised me but the fact that the Scrutiny Panel had had to wait for 6 weeks for information that we have just received and received yesterday. As a result of that, and let us make it absolutely clear, Scrutiny has not been able to do its job. It has left us in a position where, had we been given that information 6 weeks ago we would have completed our report in full. Furthermore, we would have had the opportunity, which we do not have now, to put in any amendments which we may have felt were necessary. Let us make it absolutely clear at this stage, as was made clear by the previous director who spoke, this move is quite simply the move from W.E.B. into an expanded S.O.J.D.C. I have found it difficult that the Minister for Treasury and Resources has stood in this Assembly and said, almost, that the world is going to fall apart if this does not go through. Be reassured that the world will not fall apart. I concur and perhaps, given the opportunity, may still bring an amendment which would have suggested that we continue with W.E.B., that we set up a proper constituted board as robust as the Minister for Treasury and



Resources has suggested, so that should a move into a development company that is going to expand its role, that the actual operation is already set in place because it is very clear that any move in the setting up of S.O.J.D.C, that the current Managing Director of W.E.B. will be a party to that particular new S.O.J.D.C.

[10:15]

What we need to do, as Senator Perchard has said, is set up a robust W.E.B. with a new board of directors, selected and chosen and overseen by the Appointments Commission, so they can get on and do a job. A couple of the things that we have not been able to highlight, because we have not been able to put a report out for the reasons I have outlined, is that it would appear that W.E.B. has already gone out and increased its remit. We will know that they are already working on East of Albert, which was not in their remit. We already know that the Managing Director of W.E.B. was working on a working group for the development of areas around the airport and St. Peter. He sits on a working group chaired by the Deputy Chief Officer. I have to say that when I mentioned that during our Scrutiny process the Chief Minister seemed surprised that such a group existed. There have been issues that have gone on around this particular proposition which do not bear close scrutiny. The fact that we have been misled, the fact that I think on occasions the Chief Minister has been misled and quoted out of context, the fact that we have waited for 6 weeks for information that was made available to me yesterday at 4.05 p.m. and, as a consequence, have not allowed us to do our job, I cannot support in any way what we are about to do. I would ask Members of the Assembly to think about what I have said, to think about the concerns that have been voiced and to vote with their head. I am not saying we stop everything. I am saying if we are going to set a ship afloat we set it afloat as a full-running facility. My final recommendation would be, and I have not been able to make it, that we sort W.E.B. out before we start expanding its role because that is exactly what this proposition does. **[Approbation]**

**Deputy M.R. Higgins of St.Helier:**

Sir, can I seek clarification from the speaker? The speaker mentioned East of Albert and airport developments. There has been a lot of concern expressed to me that there are things going on in the Island here- talks going on - which we know nothing about. Could he please elaborate who is on these working parties, if he is aware of the people, because there is concern that former States Members are part of this?

**The Deputy of St. Peter:**

I would be trying to pluck names out of the air which would be inappropriate. I know that as far as the working group for the airport is concerned, that it is chaired by the Deputy Chief Executive and that the director of W.E.B. is on that particular working group. I do not have the full details of East of Albert.

**1.1.2 Senator B.I. Le Marquand:**

There is clearly dissatisfaction in relation to the current structures of W.E.B. Listening to previous speakers and the presentation earlier this week it seems to me that this arises in the following areas: firstly, there are issues in relation to directorship and particularly difficulties because of the involvement with States Members and the issues of conflict of interest that can arise between their role as directors of a company and their role as States Members. I think virtually all Members accept that that is an issue. Secondly, there are issues of oversight as to where there is effective political oversight in relation to the assent, the current proposition has the effect of giving greater powers to the Minister for Treasury and Resources with that regard. Thirdly, there are issues as to planning matters: the difficulties which have arisen when W.E.B. has sought to become almost a planning authority and tried to initiate the planning changes, which of course is the role of my colleague, to my right at the moment, Senator Cohen, and there is a need for clarification of that. Fourthly, there is the issue in relation to the ambit of the operation geographically: is it to be

confined to the Waterfront area and areas around that or to a wider issue? I accept that there are those who have concerns, particularly in relation to the fourth issue, they were set out clearly by Senator Perchard this morning, and I accept that those who do not want to see the ambit widen will probably vote against the proposition, that is perfectly logical. However, I think I would say this; we have to accept the fact that the States of Jersey is not good at running commercial enterprises. It is partly not good at that because it is risk-averse and if you are going to enter into the commercial world and seek to make profits you have to make decisions which may involve an element of risk. If you go in on a risk-averse basis you are certainly not going to do it very well. My experience of 20 years in the public sector is that the public sector is absolutely hopeless at trying to run anything of a commercial nature. Because of that issue we have to realise that if we are going to maximise our income, our profits, our capital gains from our land holdings then we are going to have to be prepared to hand over to experts in that field in order to do that on our behalf. That is my view. I accept that others may take a different view on the ambits question. There is also what I would call the secondary issue, but one which I think is in the minds of many Members of this Assembly, relating to the terms and conditions of the Managing Director and, in particular, the size of salary. The difficulty that the States of Jersey has in relation to such areas is that we seek to form companies. We seek to hand over, to distance ourselves, from such matters for commercial reasons but we will still be blamed if things go wrong. We will still be criticised in relation to issues like this. That creates for the current directors a difficult situation. I can see the tension which they have faced. I do not wish to be critical of them but because there is a tension, on the one hand, between commercial business issues, what is the going rate for the job and, on the other hand, political issues, is this politically acceptable to the people of Jersey that such high salaries are being paid? My own personal view, in relation to that, is that sufficient weight is not being given to the political in this case. I think it is politically naïve to have salaries at that sort of level, even in a subsidiary company but that is my personal view in relation to the matter. But as far as I can see, apart from the issue of widening of the ambit geographically of operations, most States Members appear to be content with the general new structure, i.e. the change of directorship issue, the change of oversight and the clarification of planning. Those who are, then we are faced with a situation as to how do we change from where we are to where we want to be? There are 2 ways in which this could be attempted. The first is by forming a new company, a new corporate entity with new purposes and organisational rules. The second is the method which has been selected here, and that is by changing the name of the existing company, changing the memorandum of association. The memorandum of association of a company defines what the company can do; what are its objects, what it can properly do and if it does anything outside that it is called *ultra vires*, it is beyond its powers and it should not do it. The articles of association are the rules which govern matters like directors, general meetings, *et cetera*; the general administration of the company. Both routes, the one chosen here or the one of forming a new completely separate entity, arrive at the same point. Different people have attempted analogies in relation to this route. I am going to attempt another one, which I think is more accurate. I am going to talk in terms of caterpillars which become chrysalises and then, subsequently, become - hopefully - butterflies. Some people may think this may become a moth of course but that is a matter of judgment. I think that is a very good analogy because you have this continuity of essence that may help Members of the Assembly to understand it. The reason why the second route has been selected rather than the first route is because of contractual issues. If the first route were chosen, i.e. a brand new body, it could have the same memorandum of articles as what people have now but a brand new body, then there would have to be a transfer of the effective oral contracts. There are 2 different words which are used in this context. One is the word "assignment" and the other word ...

**The Deputy Bailiff:**

There is an interruption coming from behind you. Are you prepared to continue?

**Senator B.E. Shenton:**

It is just that the speaker is incorrect.

**The Deputy Bailiff:**

You will be able to speak later on, Senator Shenton, if you wish to.

**Senator B.E. Shenton:**

I will educate him later.

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

Am I being challenged here on law here, Sir, or ...

**The Deputy Bailiff:**

We are not going to make it a conversation, Senator, so please will you continue with your speech.

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

I was about to try and explain the difference between an “assignment” and a “novation”, which was a term that came up in the presentation and no doubt is in the documents. To help Members to understand the difference between an “assignment” and a “novation” the easiest way is to talk in terms of debt. If I owe a debt to Senator Ozouf, a financial debt, then in law he can transfer the benefit of that debt to any other person he wants. It does not require my consent; it is his asset, he can give it to somebody else. But if I owe a debt to Senator Ozouf and I want to, as it were, pass on the benefit of my debt or the burden of my debt to some other party, I cannot do it without his agreement. The reason is very simply because if I was very cunning I would find a gentleman of low financial means and get him to take it on from me, and then poor Mr. Ozouf might not be paid, and the debt doubles. I explain this to understand that difficulty arises because quite a number of the contracts, in relation to a company of this type, would involve financial obligations. If there was a development there would be an obligation to pay money at different stages. That means that you cannot simply pass the obligation to a third party because you have to have the consent and the agreement of the person to whom the obligation is owed. That is what is called a novation, it requires agreement. In practice, therefore, if that route were followed there would be an enormous amount of legal work; with lawyers, no doubt, earning quite reasonable sums of money or perhaps excessive sums of money, some people might think. In relation to that, a great deal of work, a great deal of effort, a great deal of energy in this... I am explaining, I hope simply so people have understood, why it is far preferable to do it by the caterpillar to chrysalis to hopefully butterfly route rather than by the other route. Any suggestion of forming a totally new body runs into all the difficulties which I have talked about. If Members are agreed that we should arrive with the changes of directorship, with the oversight issue improved, with the clarification of planning dealt with and are not against the increase of the ambit geographically then this is the best way. That is the best way to arrive at where we want to be. In relation to the issue of salaries of employees, I would merely say this in passing, that this proposal gives greater control because it gives to the Minister for Treasury and Resources an issue of responsibility in relation to that which he does not have at this time and therefore, if there is a political need for input, that becomes the responsibility of that Minister. Finally, I want to warn Members, and I suspect I will be doing this in the later debate this week, against what I call “a council of perfection”. Sometimes we have a situation in which we are seeking to move from one position to another and there are Members who will vote against the change simply because there is some slight detail that they would have liked to have done differently. That means that we do not vote at all, it may come up, as I say, in a later debate. I warn Members against that. Here, quite clearly, we are moving towards something which is much better than what we have in a number of different areas and therefore, apart from the issue of the increase geographically of the ambit, which I understand people will vote against on that ground, I would urge Members not to vote against simply because of not quite agreeing entirely with some little detail. I shall be supporting this proposition.

[10:30]

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

Yesterday evening when the Assembly adjourned I was challenged by Deputy Higgins and asked whether I was aware that supporting this proposition would mean that a group of people would come into St. Ouen and build on publicly-owned property in my Parish, even on Plémont. I rebuffed what he said but overnight I have been considerably troubled by what he said. Not troubled by the veiled threat but troubled that any Member of this House should, having had in their hand a proposition since 7th June, come here with such ignorance of what was being proposed. What is being proposed is setting up a new company to replace W.E.B.; a new company with wider powers, but that company, in the same way as W.E.B., and in exactly the same way as any private developer, will be obliged to go with the terms of the Planning Law. I would have thought that the Member who challenged me yesterday evening would have heard the words of the Minister for Planning and Environment yesterday where he said that the Minister for Planning and Environment and the Planning Department have to be totally separate from this so there is no chance of this company coming into St. Ouen and building on public land any more than there is a private developer. **[Aside]** I am glad the Deputy of St. Ouen agrees with me. **[Laughter]** This proposition attempts to strengthen what we have at the moment and the majority of Members have pointed out that W.E.B. as it was set up does have certain weaknesses in its set up, and I do not disagree with some of the points that Senator Perchard made, but I think that we would be failing the public of this Island if we did not make an attempt to strengthen that system. That we, in this proposition, would be giving it the ability to widen its remit into the Parish of St. Ouen, if necessary, I have no problem with, because at the end of the day the Planning Department is the department which decides where and when a developer develops anywhere in the Island. The advantages of this new company is that there is a possibility that at the end of the day when land is developed that the public of the Island will be able to receive the benefits which would have fallen into the hands of a developer, and I think that is what we need to be looking at. I will support this proposition. I have no fears about them coming to build in St. Ouen.

### **1.1.4 Senator A.J.H. Maclean**

I do not think I suggested I was going to speak, apart from my earlier intervention but I am more than happy to say a few words. **[Laughter]** I am not quite ...

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

You should not wink at me then, Senator. **[Laughter]** **[Approbation]**

#### **Senator A.J.H. Maclean:**

I think it was more a glare, Sir, after you slapped me down earlier on. Clearly our body language is not working. **[Laughter]** I think at this point it is probably better if I sat down but I ... **[Laughter]** Sir, not wishing... as I know you are very keen to encourage Members to be as short and succinct as possible, I will make just a few remarks. It is perhaps not surprising to Members that I am supporting this particular proposition. I think it is right that we take the decision now to move forwards. I think it was Senator Perchard when he was speaking earlier this morning who was raising the point about both internally within Members of this Assembly and externally the public, there has been a distinct lack of trust, perhaps appreciation or understanding of W.E.B. since they were set up, what they have achieved; and what they perhaps have not achieved in some people's views. There is clearly a problem here and, I think without doubt, although as Senator Perchard pointed out it may appear at face value that there is little that is seeking to be changed with the new S.O.J.D.C., in fact the reality is it sets the foundation and the benchmark to allow us to move forward with a structure that can be more effective in the future for looking after and ensuring we get better value of the assets that the States owns, and I think that is important. It is a time without doubt, in my view, to draw a line under where we have been and ensure that moving forwards we have a much more effective structure to deal with. There have been a number of points raised,

some of which perhaps were not wholly accurate. Indeed, I was seeking earlier on to clarify a point with regard to Senator Perchard. He was making comments about the failures - I think in his mind - of the way in which W.E.B. interacted with developers for the benefit or not, as he was trying to suggest, the States and the public and in relation in particular to the tourism building which he mentioned. He was suggesting that was not a good arrangement and not a good deal. In fact, it is quite the contrary. The tourism building is a fine building for the occupation of the Tourism Department. I should point out that from a financial point of view that particular lease is preferential. It is a discounted arrangement of which both Economic Development and the States of Jersey are the beneficiaries until 2014. As part of future conditions, my department are looking at other alternatives beyond that so that we can drive greater efficiencies but, at the current position, certainly that has been a very preferential arrangement for both the Tourism Department and, indeed, the public purse. I would encourage Members to consider the overall picture when deciding how they are going to vote. Once the new S.O.J.D.C. is put in place, should Members support the proposition today, that will allow us with that structure to ensure the proper governance moving forwards and the fact that the States assets are properly and appropriately managed. I have nothing more to add other than to encourage Members to take the leap of faith that I believe will, as others do, lead to a much better and more effective development opportunity and structure for the States.

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

I will be as brief as the Minister for Economic Development. I think what we have seen in W.E.B. and the development of W.E.B. over the last period of time has been a template for property development on the Island, and that template needs to be adjusted and needs to be changed because it does not fit what we need it to do right now. When I read some of the paperwork and some of the emails that have been flying around and some of the correspondence that has been flying around, not just on this but on other aspects of States decision-making, I say to myself for a small place, my goodness, do we make things complicated from time-to-time. I sometimes wish that we would just get on and make these decisions without the pain threshold that we seem to go through in this Assembly every time there is a major decision to be made. Some of the decisions that have been made in this Assembly have not been good ones and some of the decisions that have been made in this Assembly have been excellent ones. We could rehearse all the arguments about Fort Regent. We could rehearse all the arguments about the Aquasplash. We could rehearse all the arguments about the elevation and design treatment of the Radisson but those were decisions that were made 10, 12 years ago, 15 years ago, and we have got to come on and recover from where we right now. I firmly am of the opinion that the template for S.O.J.D.C. will work. I am firmly of the opinion that we have got to have continuity between the commercial activity, transactions, leases and everything else that W.E.B. entered into. You cannot suddenly, from a legal point of view, park the hundreds of legal agreements that are in place into some *cul-de-sac* of a company and start with a squeaky new company. It simply cannot happen so we need to be robust here commercially and I think S.O.J.D.C. can do that. My view is that the template for S.O.J.D.C. is a good one, the template for S.O.J.D.C. is achievable and I just think we should get on and do it.

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

Just a brief point. Quite frequently when this House makes decisions we do not carry them through and I think one of the things that will flow out of a positive decision to endorse the setting up of a new development company is there will be a clarification of the importance of the Planning Department in bringing forward for consideration master plans, strategic development master plans, regeneration zones and, indeed, a coherent forward planning structure but these things do not come cheap. They have to be budgeted for, so I would ask Members in considering when they do decide to vote or not for this particular proposal to bear in mind that at the moment there are not any earmarked monies for the extra work that will have to be undertaken in order to allow the Planning Department to do this important work.

### **1.1.7 Senator T.J. Le Main:**

Probably the 2 speeches that I felt that struck me the most during this debate has been certainly from the Connétable of St. Peter on my left and a very short while ago from Connétable Vibert. I felt that they put really in perspective the issues that we are debating today. I also believe that this transition is so urgently needed at this time. We need this new company now. In my view, Property Holdings has been useless now and in the past. Probably, and I am not attacking the staff at all or people involved with it, it is just not the right structure to be able to drive forward some of the issues we need to do. Look at Lesquende, sitting there where we have urgent need for lifetime homes, homes for elderly people; sitting there for years and years and still no action. That land obviously should have been passed over or transferred to the Housing Department, in my view, but that is another thing. Yes, land like Lesquende, the Ladies College, prime development sites have been sitting around, well, just doing nothing. Absolute scandal. I have great faith in the new management set up of W.E.B. and I believe that now that they have, as I say, from the old style under the current leadership at W.E.B., I believe that this can be transferred to the new property company. Well, Senator Perchard was querying and asking why. I will reiterate that I believe that this W.E.B., under the current management and under the current directors, has raised its profile and credibility beyond all doubt. We need a company that is being proposed so that at long last it can be run in a proper commercial manner without the continued interference of the 53 experts we have in this Assembly.

[10:45]

I have never heard in all my life every time that something comes up about planning issues, how many experts we have got in these areas. The time is right. Only last evening I had a lift with the Connétable of Grouville back home and a couple were walking, who live not far from me, and we gave them a lift and they both work for this major bank and the lady was telling us that, in fact, how desperate they were trying to restructure and reorganise the organisation for which she works because of the numerous places and offices they have scattered around the town. We have at this time a huge opportunity to get this company on its feet and to allow it to get on with some of the huge opportunities that are currently before us. We have opportunities now in a recessionary period where we have a demand for development for high quality office blocks. We have an opportunity now to realise very keen pricing. Profits will remain with the States for the public of the Island. It will with this company drive forward developments that have been sitting around, as I say, for ages and nothing is happening, and provide much needed construction work for the construction industry. I think as I say, I do not intend to repeat what has been said by the 2 learned Connétables, but I think the Members should take the very good advice that they have been offering Members this morning. I certainly will be taking-on their advice and I will be supporting the proposition today because if we do not we are just going to be in a stalemate. We are just going to be not able to restructure our business in any form or fashion, so I believe it is important that we give this new administration, recent administration in W.E.B., who have produced quite considerable States funding over the years from their developments, delivered considerable public assets and is now worth a considerable amount on their balance sheet. I cannot wait to see, as I say, this new property company take the bull by the horns and get into some of the developments that can produce real benefits for the public of Jersey.

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

I will not be too long either but I will agree with Senator Le Main, changes are needed and I do not think any of us dispute that, I think, it is how we get there that is very important. I think that is what this debate is all about because I think that the best speech by far today - and there have been some good speeches - has come from the Deputy of St. Peter. I think it is one of the best speeches ever made in the House. It is a shame he is not here to hear my commendations to him but it really was very good because he spelt-out really where we are now and how we should be doing things and if Scrutiny is to have any purpose at all, and I would urge those Members who have never been

on Scrutiny... for the purpose of Scrutiny is to scrutinise and we have a deal in this House. The deal was that we would have the Executive and the Scrutiny would scrutinise what the Executive was doing, and what we have heard this morning from the Deputy of St. Peter is they have not finished the job. He himself has said it may well need amendments to what we are proposing. Now if we are to have any standing at all as a House what we have got to do is to listen to what the Deputy of St. Peter has to say and has said and, in fact, if indeed ... I cannot see it being more than a month, we have been told from the end of November we could come back here with a proposition, I would feel much happier in my own heart. I would say it has not been a very good week for the Executive. If one reads the *Napier Report* we will see there the number of mistakes made by the Executive where unfortunately the executives have been found wanting and yet we have the same Executive here saying: "Trust me folks, we are going to get there. Trust me." We have had an interim report today produced by the Corporate Services Sub-Committee made up of Senator Ferguson, the Deputy of St. Peter and Deputy De Sousa. If those 3 people cannot be trusted to finish the job I think it is a poor show on this House. I would remind Members that there were 24 people who voted for the debate not to go forward, 24 wanted to. If we keep to where we were and maybe Deputy Lewis who is out of the Chamber now will remain out of the Chamber so he is not present, we will stay where we are. The *status quo* will remain. We can come back to the House within a month or just maybe inside 2 months with a proper report from Corporate Services, we can then move forward. I want to support changes at W.E.B. but I would be far happier if I knew that I had the confidence and support of the Corporate Services Sub-Committee, a panel which was put in there by the States to do a job. Let them finish their job.

#### **1.1.9 Senator B.E. Shenton:**

I think as Members are aware I have not been a big fan of W.E.B. over the years. In fact, if they ever appeared on room 101 it would probably be one of my subjects. I have got a number of points to make. The C. & A.G. (Comptroller and Auditor General) recommended that we remove the States directors from W.E.B., and this is something that is happening and is something that I agree with and I think this debate has borne out the type of conflict of interest that directors of W.E.B. have. All 3, I believe, have spoken in this debate and all 3 have spoken, I believe, as directors of W.E.B. When they are in the Assembly they are elected to represent their Parishes and they are not elected to speak as directors of W.E.B. within the Assembly. I would, therefore, ask that given that they do appear to be in the Assembly as W.E.B. directors today that they abstain from voting because they do not have a vote as a W.E.B. director in the Assembly. This proposition or this move is going to put substantial risk on to the people of Jersey. Substantial risk because the new company will become a property developer, and the residents of Ireland at the moment are bailing-out property developers 10 a penny because these are people that they thought it was so easy to make money out of property development. But, from the point of view of the directors of the new company, this is quite a brilliant concept because I am from an investment banking or investment background and the great thing about being a dealer or speculator for an investment bank is that you are using someone else's capital. You are not putting your own capital at risk in any way, shape or form. If you get it right you will get a nice fat bonus and if you get it wrong the people of Jersey will, in effect, pick up the pieces going forward. The DTZ report on page 13 states that the new company may retain all the development risk itself, and it has certainly been mooted that they will become developers simply because the developers are not out there, and unless you are quite naïve you would also think that there are banks queuing up for new buildings out there. That is not the case; there are empty sites there at the moment that are not being developed. Page 216 of the DTZ report says that the States of Jersey Development Company will retain more risk than is typical in the U.K. so not only are we setting up a structure with risk, we are setting up a structure with more risk than would be typical for a similar sort of structure in the U.K. The people that have got the Waterfront so wrong, we are going to give them the keys to the casino and an open cheque book and then we will pick up the pieces at a later date. Page 230, and this is probably the key part because this is where it mentions the States of Jersey: "Clearly, the States of Jersey will need to be

satisfied that it is aware of the risks that the States of Jersey Development Company will bear.” Has this been made clear in the proposition? Has this been made clear in the speech of the Chief Minister or the speeches of the Council of Ministers? We are, as an Assembly, taking on an enormous risk by giving these powers to the States of Jersey Development Company, and they will go back to the proposition and they will go back to that statement that the States of Jersey must be aware of the risk they are taking on in the future if anything goes wrong and if it is passed today. Senator Le Marquand spoke about the problems with novation if the W.E.B. were to be liquidated. But I see this as slightly a red herring because if you were taking over another property company you would not normally liquidate it. You would normally retain the leases in the name of that company and it would simply become a wholly-owned subsidiary of the new company. There are no problems with novation or transfer of leases. The whole thing would be quite seamless so why has the Council of Ministers suddenly led us up this little alley which does not really exist? There would be nothing to stop us setting up a new company with a proper structure and a proper board and for that company just to acquire the shareholding of W.E.B. and the assets that lie within that company. In my view, within this proposition, there is - and this is just my view - a lack of openness about what we are doing today. I am deeply disappointed that it was not referred back to Scrutiny so that they could finish the job because certainly I would have some input into the Scrutiny, having heard some of the speeches which, in my opinion, were slightly light of the true facts. I do not believe that there is the demand out there at the moment. The reason the States of Jersey want to become a property developer is because no one else in this environment is willing to take the risk. It is our money that they are playing with and our assets. If private enterprises and private equity are not willing to invest at this time why should we put the burden on the people of Jersey? None of us are particularly happy with what has gone up there. The majority of people I speak to do not want an underpass. They do not want the soul ripped out of St. Helier. They do not want to live for the next 10 years as a building site. I wandered around the new Dandara development the other day. My wife and I refer to it as Little Torremolinos, because that is what it is. It is just low quality, high density, money in your pocket, let us make it (a) to (j), get the (j)s in there, get the people in for the finance industry. This has got nothing to do with Jersey. It has nothing to do with the people of Jersey. Ultimately, my wife and I are the ones that are going to be taking the risk to make all this happen. So as an investment in the sort of words of Dragon’s Den, we are not delivering, it is too risky and it is not going to deliver and on that basis I am out.

#### **1.1.10 Deputy D.J. De Sousa of St. Helier:**

I am very happy to follow the last speaker. That was one of the best I have heard him make. Members will be pleased to know that I had prepared quite a long speech, which is very unusual for me, but I will not inflict that on Members because there is no need to because almost everything I want to say has been said.

[11:00]

We have been told by several speakers: “Trust me. We will get there in the end.” This House has been asked to do that many, many times. Can I just say, you would not shut the gate after the horse has bolted. Scrutiny is about looking at the evidence and then coming back with recommendations on policy that is brought forward by Ministers. I have been involved in this since P.79. Not as long as every Member. The Chief Minister in his response to our Scrutiny report on P.79 said that the Scrutiny Panel provides useful advice to improve proposals for the S.O.J.D.C. In his opening executive summary on the response to our interim report, the Chief Minister also says: “I believe the involvement of the Corporate Services Scrutiny Panel has been of benefit to the development of the proposition.” My Chairman spoke at length this morning on the way that Scrutiny has been hampered in doing this review so that this debate could have been fully informed on a Scrutiny report that would have been brought forward. I will not go over the facts of the hiccups that we had in trying to complete this report but he made a good point, our Chairman. If we had have been able to complete our report we possibly would have brought an amendment, quite an important



amendment, to this proposition that we are being asked to debate now. Because we were not able to do our job properly, I would implore that Members reject this proposition. Let Scrutiny complete its work and possibly make an amendment to a new proposition that could come forward. Please, as my Chairman said, use your heads when you vote on this one and please reject the proposition.

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

I have lived with the current W.E.B. structure for most of the time I have been in this Assembly. I sat on the Policy and Resources Committee and sat to the extent that it was possible to regard that relationship as an oversight and governance arrangement for a period, I sat as a director. I then stood down and I was then the Planning President after Deputy Dubras resigned. As Planning, I think the best decision that I was part of was to stop the monstrosity that was going to be built on what is now known as Esplanade Square and that turning point was the start of the turning point of the architectural improvement plan, which the current Minister has continued. I understand many Members concerns about what has gone on with W.E.B. and Members are right to be critical about past decisions made by all sorts of individuals. They are right to say ... I am exasperated to see the swimming pool at Fort Regent, 11 years on from the decisions made prior to even when Deputy Martin was in this Assembly, still standing there and all of the criticism, understandable criticism, about the cinema complex and the others. Many of those decisions were taken before 1999 and, in fact, if one thinks back, in my view, many of those poor decisions in terms of architecture, in terms of what was proposed, was because of the complete lack of clarity and the absence of a proper documented segregation of duties which separate out the responsibilities for W.E.B. The company board, the governance arrangements, the reporting arrangements; I am afraid I do not agree that it is possible to simply change the current W.E.B. to where Members want and where the public of the Island want. This proposition clarifies and it puts in the right place the responsibilities and the reporting arrangements. Some Members have said this puts more power in the hands of the Treasury. Well, in some ways you could say it is power. I would prefer to say, and I certainly do not seek more jobs for the Treasury, I would say that it puts appropriate accountability. S.O.J.D.C. is fundamentally different from W.E.B. and that is why Members ... I think there are a number of stand-alone reasons why Members should be supporting this proposition, but one of the fundamental stand-alone reasons is the clarity and segregation of the accountability of the company. In fact, under the new arrangements many Members have spoken about the geographical remit of the company. Well, that is only in theory a remit of the company. Any of the projects that the Board will in future undertake will be subject to specific land transfers. If there is a... I am not sure where it exists in St. Ouen or Grouville or, dare I say, Trinity or even St. Peter. If there is going to be a project that S.O.J.D.C. will undertake it will go through a transfer under the protocol which is in this proposition, which I hope Members have read. So the expansion of the geographical remit is conditional upon the Asset Transfer Protocol and Members' ability to deal with a transfer of land under Standing Order 168, which they can strike down and they will know before any transaction is carried out. As far as the responsibilities are concerned, in fact I would characterise S.O.J.D.C. as limiting, as being far more of a limiting role than W.E.B. because it will be upon a project-by-project basis and the policy that was completely opaque, unclear in the original W.E.B. I think W.E.B. was set up almost as a sort of a Docklands Agency, 1980s model, which had planning powers or they thought they had planning powers. The Minister for Planning and Environment is absolutely correct when he said that W.E.B. should never have been involved in master planning, anything to do with the Waterfront. It was a completely confused unclear responsibility. We started it in the old Planning Committee by putting Planning in the master planning role and the Minister has carried on and I think has done a very good job and he has been tenacious and he has guarded his responsibilities absolutely to himself at Planning and this proposition further puts on a written basis those arrangements. The policy remit which I think the Board of W.E.B.... and I sat on the Board of W.E.B. and there was not clarity. The policy remit for S.O.J.D.C. sits in the Regeneration Steering Group. It limits the role of the company in a way that

the current arrangement does not. I believe, as I have said, there are a number of stand-alone reasons why S.O.J.D.C. is far better and far tighter in terms of its remit but there is - and Members would expect me to say this - one almost overriding reason why Members, I think, I hope, have the confidence to support this and that is the responsibilities that will be put within the Treasury. The Treasury is used to dealing with owned entities; it has done so before. The former Minister for Treasury and Resources put in place new arrangements for Jersey Telecom and Jersey Post which sets out the responsibilities of the shareholder and the States. I have sought to strengthen those arrangements by commissioning the Deloitte review on States-owned assets. I am just going to spend a moment or 2 just explaining to Members what the Treasury does in relation to a shareholding role because I think that it is absolutely fundamental. The Treasury communicates and explains the objectives that the shareholder has. We do communicate and discuss a dividend policy. We do set out the framework for the engagement with the Board, with clear documented arrangements of no surprises policy, signing-off on business plans, *et cetera*, quite apart from the responsibility of having to sign-off on significant transactions that are sometimes contained in a business plan. To deal with Senator Shenton's question about risk, risk will only be taken on by the company if it is approved and if it is approved by the specific decisions that we take on a case-by-case basis within the company. The company will be very limited in terms of what it can do. It will be told to get on with projects but within boundaries which will have to be signed-off. It may have been almost a surprise to the company that the Treasury does sign-off at the A.G.M. (Annual General Meeting) the remuneration of directors. Senator Ferguson asked yesterday whether or not I had used that nuclear option. Well, some of the issues concerning that matter almost do not happen because there is the threat of a veto and the threat of a veto avoids decisions that you might otherwise think that you could get away with. But lest there be any doubt, I can confirm that the Treasury under my watch has rejected remuneration packages for entities, and that came as somewhat of a surprise. I am not going to go into the details of it but I am happy to brief the Corporate Affairs Scrutiny Panel. They are aware of the reasons, and perhaps that is why Senator Ferguson asked me the question because I think she understands the circumstance in which that happens, but the Treasury does have a proper oversight in terms of remuneration. I can say to Members that this is not just the Minister for Treasury and Resources making it up as he goes along. Upon advice from within the Treasury we will make decisions that are appropriate in terms of the remuneration and I agree with Senator Le Marquand, this is not a stand-alone private entity in the private sector. This is a publicly-owned corporation and that does have different, I think, methodologies and thoughts about remuneration. You do obviously need the right people and they do need to be incentivised, but this is a publicly-owned corporation. I have absolutely no problem with using those responsibilities at signing-off at an A.G.M. If this is passed, I will look at the dividend policy. One of the absolutely legitimate criticisms that has been levied against W.E.B. and the current arrangements is W.E.B. were given land at zero cost or at a very low cost. It is, therefore, impossible to judge what W.E.B. has done in uplift value. If you do not transfer the property at the market price, which you would get with a willing seller, you then cannot judge the company on what they do in lifting that market value. That is why some of the issues that Members are absolutely right to be concerned about, and they are right to be sceptical about how much W.E.B. has done, is because it is not clarified and it is not clear. I will look at the capital structuring and I will look at the dividend policy within W.E.B. and if it is upon advice the judgment of the Treasury that W.E.B. should be capitalised in a different way and a special dividend taken out or whatever in relation to strengthening and clarifying the situation that this is a development-by-development agency, then I will do so. I know there is some criticism, and I do not share all of Senator Le Marquand's views on Property Holdings. There does need to be a clear segregation of duties between Property Holdings which holds assets as a landowner and S.O.J.D.C. who acts as the developer. Not a developer in terms of taking the risk and borrowing money in order to carry out the development, but the development agency that will partner with other developers and, yes, I do think that there have been opportunities that have been lost because W.E.B. has maybe passed over all the assets to another entity in order to do it. I want to see...

without making any risky decisions for the States or S.O.J.D.C., I want the public to benefit from as much as the uplift in value of developments on the Waterfront as possible. I will say one thing. I know there is lots of criticism in relation to W.E.B. I have to say from what I have seen over the last... and I do not see everything because I am not responsible for W.E.B. What I have seen is a real hard negotiating stance that W.E.B. has carried out with some of the transactions that they have recently done, which is ultimately of benefit for the public because the public own it but I want to see a clear documented arrangements that W.E.B. only get properties at the market value so that we can properly judge them in terms of the uplift.

[11:15]

We will be absolutely risk-averse in relation to the decisions that we make, and this is not writing a blank cheque as Senator Shenton said, this is going to be a much more controlled organised environment with this new company. Corporate Affairs, in my view, has greatly enhanced the proposition we have before the Assembly. I know that there has been this difficulty recently carried out and if I am honest with the Deputy of St. Peter, there is frustration on both sides. There is frustration that the conclusions of the Corporate Affairs Scrutiny Panel in their latest review have taken a long time and no doubt we could argue on both sides but what I say to the Deputy of St. Peter is you and your team have added greatly to the proposition that is before Members. The Chief Minister took on board most of the conclusions of the reviews, and I would say one thing going forward... and I realise Members have had an awful lot of paperwork in relation to this proposition, but I would ask them to just take a moment to look at the timeline because this was setting out the past history. We have been at this for 3 years; there have been all sorts of Scrutiny views, *et cetera*, but if they turn the page and they would just cast their eye on the post-debate work that will happen after this debate because this is not the last chance decision in relation to S.O.J.D.C. This is the start of the new beginning. This is the start of the clarified position of which there needs to be engagement with W.E.B. from the Treasury over the next few months. What I would propose to do, because I think the Corporate Affairs Scrutiny Panel has more to add, and they certainly need to be heard in terms of some of the concerns that they have on implementation, and I think I have understood that their concern is transition. What I read from the report and the previous report is they agree with S.O.J.D.C. What they are concerned about is the transition and the transition does not happen today. The timeline documents for Members, the work that needs to happen within the next few months in terms of the specific recruitment of Chairman, recruitment of the non-executives, the appointment of the Treasury appointee and the approval of the Mem. and Arts. and the States involvement in the decision. I hope we are going to go on later this session to agree the concept of Ministerial boards which is going to be more inclusive. I have said I would like a Ministerial board to try and work out how we are going to do it. I am more than willing to set up a W.E.B. to S.O.J.D.C. Transfer Working Group in order to work with me in dealing with all the issues that I am going to have to deal with in the next few months in order that S.O.J.D.C. can commence in the manner in which Members want, and so that is an ongoing piece of work that needs to happen. I would welcome the involvement of members of the Scrutiny Panel and, indeed, maybe another non-executive member in that so that we can get S.O.J.D.C. on to that right footing with the right capital structure with the appropriate business plan, authorisations, *et cetera*, and that is what I would do if the States approved this. We have been on a long journey in relation to W.E.B. We have had, I think, an aborted debate on one occasion. We have had 3 Scrutiny Committee reviews. There has been an awful lot of oversight. I think the time is now to give this organisation clarity, an appropriate segregation of duties, proper accountability and to start to work to get this thing right; learning the lessons of the past and delivering what I think the public of the Island want, which is a W.E.B. and a Waterfront and property that is owned by the States carefully, properly looked after and a return maximised within the tough constraints that the Minister for Planning sets independently. I urge Members to support it and work through with me if they wish to be part of the transition group to get this thing done properly.

**The Deputy Bailiff:**

Senator Routier.

**Senator P.F. Routier:**

I will forgo my opportunity to speak because the previous speaker has said much of what I would have said, and I endorse everything he said.

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

I thought on arriving today that today was going to be a short day; little did I know. But a very useful day because I left the Assembly last night somewhat confused as to why there was such a fuss going on and it has become absolutely clear to me now what is going on. We have heard the Minister for Treasury and Resources just now say that the Scrutiny reports and the Scrutiny contribution has been extremely valuable and that the Chief Minister, in fact, accepted almost all of what it had to say. The key, I think, is in that tiny word “almost” because from way back, from 2½ years ago, the fundamental objection was, hang on, as a matter of public interest, which is one of the key notes of any decent Scrutiny, what are the public concerned about, are we addressing that, on that particular issue the public is absolutely disillusioned with W.E.B. and anything to do with W.E.B. The key objection it seems to me coming from Scrutiny was you must have a clean break. Do not drag the reputation of W.E.B. into the new structure. Do not have the genes of W.E.B. in son of W.E.B. and that remains, I think, still there. That is the fundamental distinction between the 2 and it is all very well for the Minister for Treasury and Resources to say make the decision today as Deputy Power said: “Oh, we do make a fuss. Why do we not just get on with it?” That is one of the things that goes wrong with this Chamber; it gets encouraged too often to get on with it and we will fix it later and that is what we are being told today and ... I really do object to the ex-Minister for Housing shouting at me while I am speaking across the Chamber.

**The Deputy Bailiff:**

It was not shouting but it is not appropriate.

**Deputy G.P. Southern:**

I see the ex-Minister for Housing has his usual quota of manners. We are encouraged to get on with it and that time and time again in the past that is what we have done and we have got it wrong. All the assurances in the world, and I go back to the excellent speech given last night by the Deputy of St. Mary, all the promises and assurances in the world do not add up to much when the issue is a question of faith and trust and confidence that we are going forward in the right direction. We had just now a whole host of promises: “I will look at the capitalisation structure. I will see to the remuneration. I will examine dividend policy. I will set up a working group to steer this as long as we make the decision today to go ahead” and we have had promise after promise after promise: “We can make it work” but we have not addressed that fundamental objection that has come from Scrutiny, and that is how it should work. The system we set up says where we have got important decisions to make, we scrutinise them beforehand and we try and get them right and yet what we are told here we are ignoring the key element of the Scrutiny work and we are encouraged to go ahead anyway and hope that it is okay because the Minister for Treasury and Resources will exercise his role. We have heard much today about conflict of interest. In fact, we have had such a conflict of interest that 2 Members have resigned from Scrutiny in order to pursue the other side of their conflict as directors of W.E.B. and how that focuses the mind on conflict of interest issues. We were told yesterday that one of the briefs of this new body is to maximum value to the States. In order to supervise that we are going to have the Minister for Treasury and Resources there as the Shareholder Director supervising things and what is his brief? Is it to minimise the value to the States of its assets? Of course it is not. It is to maximise the value to the States of its assets which keys in with the fundamental objective of the new body so where is the oversight? It sounds awfully like a similar conflict of interest. Most useful today I think was the reminder from the well thought and well researched Senator Perchard who pointed out and reminding me certainly, about

the existence of these 150-year leases. We give away our asset and we pay for the next 150 years to hire it back. Anybody I think looking at that sort of system would say this is not the best way to proceed. I do not often agree with Senator Shenton in his approach but today I was enlightened and he pointed out correctly, I believe, that what we are doing is a high risk strategy and that what we are doing is development for its own sake. All the words that come back and say this is a safe process, we are focused on very clearly by the Senator's comments about risk. I am reminded in this case of the adage: "There is no such thing as a free lunch." The fundamental starting point for this issue is that the remit for W.E.B. and the remit for this new body is that we attempt to get something for nothing. It is not public money going into these developments, it is private money and we get something from it. Now what we get and we have seen it, is the swimming pool on the front which we pay, what is it, £400,000 a year for? We get 100-year leases where we are paying £10,000 a year to lease back our own property. There is no such thing as a free lunch. This is a repetition of the mistakes we have made in the past. There is not a clear break and a clear objective and a new framework taking place here. There is a continuation and it is seen as a continuation of all the mistakes of W.E.B. spread around the Island and we are told that every individual development will be ... we can put a stop to it. The Constables can put a stop to it if developments are inappropriate for St. Ouen or Trinity or St. Lawrence. Believe that when it happens. We know how the planning system works. The developer comes forward with an idea, a concept and we haggle over how big it is and if, at the end of the day, the developer says: "No, this does not wash its face unless I get X, Y or Z" that eventually - it might be slightly watered-down - is what happens. We cannot, I do not believe, afford to proceed today and hope that we can get it right. We cannot vote for this today and hope that the Minister for Treasury and Resources and his working party that he is going to set up can control this process. We have to, I think, because we are fundamentally - fundamentally - going against our own process of accepting Scrutiny first. What we are doing is returning to the old habits of getting on with it and hoping that we can make it work and we can mend it as we go along. Please, please, I urge Members to reject this proposition.

**The Deputy Bailiff:**

Does any other Member wish to speak? I ask the Chief Minister to reply.

**1.1.13 Senator T.A. Le Sueur:**

I will get these papers into some semblance of order ... I do thank Members who have spoken. It has been a long debate and I am not necessarily going to reply to everything that every speaker has said but I will pick out those points which I think maybe do need clarification. We start with Deputy Pitman who asks how the directors are going to be appointed and I would draw his attention to page 16 of the proposition which sets out the composition of the board as independent chairman and managing director, financial director, a non-executive director appointed by the Minister for Treasury and Resources and 3 non-executive directors. Those directors, as the Articles of Association or the Rules go on to say, will be appointed - those non-executive directors - by Members of this Assembly so we are the ones effectively who appoint those directors. Do the States have power to act and set their remuneration? The States do not set their remuneration. With any company the remuneration is recommended by a Remuneration Committee of the directors of the company.

[11:30]

What we do have, as the Minister for Treasury and Resources has clearly said, is the right to veto or oppose recommendations made by that Remuneration Committee. Deputy Le Claire spoke about the need to get behind the finance industry. Yes, that is a very worthwhile comment from him, relating this proposition in fact to the whole financial and strategic position that the Island currently finds itself in. If we are going to have alternatives to reducing spending and increasing taxes, the only other alternative is economic growth. By developing a better structure for W.E.B. I think we will foster economic growth far more likely than sitting as we currently are. I appreciate his wise

words and words of support. He said - what virtually is the one thing which has united every speaker in this Assembly today and yesterday - that W.E.B. so far has not been a total success. He used the words: "Until now it has been disastrous." Yes, quite consistent. People have varied from "disaster" to "disappointing" to "poor." But the one general message is that what we have got is no longer what we want. That is a theme which I will return to in due course. Another theme which I think a lot of Members are concerned with is the ways in which this company may look as though it is expanding its remit. I want to try to clarify this to those Members who are in doubt. What this is doing is reducing the ambit of the company; making it much clearer. But it is allowing the company in that narrower confine to go into different areas, subject to certain safeguards, which I will go on to deal with later on in my summing-up. The Deputy of St. John has raised some issues about planning and the difficulty with planning. I think that he has had his concerns addressed by the Minister for Planning, and I hope he is now a little bit more satisfied with those concerns. But he again agrees, as most people do, that we need to take away the political process. Can I just take a pause and invite the Senator to sit down? The Constable of St. Helier talked about the benefits of the Regeneration Steering Group. Yes, I think that is one of the tremendous benefits that this new proposal would bring to the present situation. But of course we only get a Regeneration Steering Group if the proposition is accepted. If the proposition is rejected we are back in what I was about to call the bad old days but we are back with the *status quo*. I do not want to retain the *status quo* because I think, like all of us, we believe that we can do better than the *status quo*. I think Deputy Tadier suggested we ought to wait a little bit longer before making up our minds and maybe wait for Scrutiny to say a bit more. There are only 2 ways to go with this proposition; either we accept it or we reject it. Waiting a bit longer is no longer an option. I will naturally be urging Members not to reject it, but I will come back to that later. I am grateful to the Constable of St. Peter, the Constable of Grouville and Deputy Noel, who spoke both as States Members and as directors of the Waterfront Enterprise Board. But I would point out that speaking as directors of the Waterfront Enterprise Board they have also reiterated their desire virtually to do themselves out of a job. They do not want to have this dual role. They want to be good States Members. They have been very good directors of W.E.B. as well but they want to focus on being good States Members. Some people may ask why staff contracts have been drafted in the way they have. That is basically because ever since 2006 there has been an awareness that we have to change from where we are now; that all people coming into a job will say: "What are my future job prospects?" You have to be honest with people when they apply for the job. You say the intention is that W.E.B. will change from where it currently is. They say either that is good or that is bad. If they think that is bad they will not take the job. If they think that is good then they may take the job. We then came to Senator Perchard this morning who again expresses his dissatisfaction and disappointment with W.E.B. He supports the removal of the States directors. He believes that we need to define clear lines of accountability. He complains about external developers profiting at the States expense and then says he is going to oppose this proposition. I think he may still want to oppose that proposition because I think there are some things that he has misunderstood. I would like hopefully to correct him. He suggests that this is giving the new company an expanded role. I say, no, it is not an expanded role. It is a narrower role but a more active role. What this does, as I say, is to define clear lines of accountability and clarity about the future role of W.E.B. He talks about the company being gold-plated and the absence of risk. That question of risk was raised by various Members including Senator Shenton later on in the discussions. If I jump to that now. Senator Shenton quoted from the DTZ Report. I do get concerned when people give quotations out of context. He said, this is page 6 of the DTZ Report: "S.O.J.D.C. will retain more risk than will be typical in the U.K." What DTZ actually said was: "We consider that there is a case to support the proposition that S.O.J.D.C. should retain more risk than would be typical in the U.K." In other words, if there is to be greater risk it is because DTZ think it is a good idea. Then he talked about 2.30, there are risks. Clearly the States of Jersey will need to be satisfied that it is aware of the risks that S.O.J.D.C. will bear and that the proposed mitigation risks adequately reflect the risk profile that is acceptable to the States. In other words, it is up to the States to decide the level of

risk that it wishes the company to take. If that were not enough there is in Appendix 6 to the proposition - which maybe some Members did not get to because it is on page 63: a Draft Risk Policy Standard which sets out the sort of risk profile that we would expect this company to take. But there is going to be inevitably a tension in some Members' minds. That is tension between risk and reward. Senator Perchard complains that the developers have taken all the reward. If that is because the States do not want to take any of the risks then that is the corollary. No risk, no reward. A bit of risk, a better reward. How much risk you take is a matter for us to decide. Having made that decision it is up to the board of directors of the States of Jersey Development Company to then set their plans accordingly. The Deputy of St. Peter, the Chairman of the Scrutiny Sub-Panel, explained some of his frustrations, and clearly they are his views. He has been very passionate about this over the years. As I have said, and will continue to say, we have worked closely together trying to get the best possible outcome. He does seem to imply that this current proposal is little more than a name change and that we have not done enough to demonstrate without doubt that this is different from the current situation. I think different Members will have different views about how different S.O.J.D.C. is from the current W.E.B. It is still the same original vehicle. As Senator Le Marquand said, it is like a caterpillar that evolves into a chrysalis. It is still the same vehicle but very different in character. I think that really deals with most of the individual comments that I wanted to make except to commend my colleague, Senator Le Marquand, for analysing a very complex issue into 4 or 5 key concerns. He addressed those concerns but, I think, in summing-up I should reflect those issues because I think they are at the heart of our decision making process. Firstly, there is the view expressed also by the Comptroller and Auditor General that there should no longer be States Members as directors of the new company, S.O.J.D.C. The Comptroller and Auditor General thinks that. The existing States directors of W.E.B. think that. The majority of Members in this Assembly think that. This proposition enables that to happen. Approving this proposition enables that to happen. Rejecting this proposition means that the States Members will continue to be on the board of W.E.B. Secondly, there is a question of political oversight. Under the present arrangements there is little political oversight. I have a power of direction to the board, which I would use only very sparingly and nothing else. There is no shareholder direction, no shareholder understanding at all because it was not set up that way. The new arrangements enable the Minister for Treasury and Resources, whoever he or she may be now and in the future, to undertake that role just as they currently do for every other wholly-owned States company. The third one was about W.E.B. in the past certainly having its role mixed up with that of Planning. I believe that this proposition gives absolute clarity about where the planning responsibility sits in a way which the previous structure does not. Then there is the question of geographical ambit which concerned Deputy Maçon, and I think a few other States Members; that the company was going to go out into the countryside and pillage the whole of St. Ouen or St. Lawrence or whatever it was. Whether it is in town or out of town, S.O.J.D.C. can only act as the development agency for the properties for which it is responsible.

[11:45]

In order for S.O.J.D.C. to do anything at all it has to get its hands on that property in the first place. The only way it can get its hands on that property is if it is transferred by the States to S.O.J.D.C. at a fair market price. The proposition makes it quite clear there is an asset transfer protocol set on pages 67 to 69 in here which is when the properties go into S.O.J.D.C. they go in at fair market value. **[Aside]** It says that they will go in at an agreed market value. **[Aside]** They can go in below market value with certain caveats, as the Senator in his interruption kindly reminds me. But if they do that I would remind the Senator and Members that there is Standing Order 168 which gives the States Members the right to challenge that decision. Is that an empty challenge? No, it is not. I recall maybe a year or 2 back now that Deputy Duhamel raised a challenge over the value of the transfer of the Jersey College for Girls site. He made that challenge under Standing Order 168 and it was upheld. **[Aside]** He may still be paying his lawyer for it. Seriously, therefore, the States

does have the power and does exercise, if it needs to, the power to control the transfer of assets both into and out of S.O.J.D.C. Then there is the question of remuneration for executive directors. At the moment the only control of that is within the Remuneration Board of W.E.B. Under the current arrangements, as I say, the Minister for Treasury and Resources has the power to veto any salaries which he considers to be excessive. Those are the 5 points that Senator Le Marquand analysed and I think analysed very clearly indeed. He also said that there were 2 things we can do; one is to form a new company and the other is to do what the proposition says, which is to change both the name and the rules of W.E.B. It is not just changing the name. It is not just changing the rules. It is changing both. But as he says, both routes arrive at the same conclusion but because of the legal difficulties forming a new company was not the way we should be going. Senator Shenton says that there is a third route, which is that you could form a new company and have a subsidiary so that instead of having one company in existence we would have 2 companies in existence with 2 structures, 2 boards of directors and double the trouble. Is that what we want? I think not. It would be wholly-owned, but that does not alter the fact that we have 2 separate companies going side by side. We still, at the end of the day, come to the same conclusion. Where do we end up? We end up, I have to say, in danger of going back to where we started because the final speaker, Deputy Southern, talked about the need for a clean break; starting afresh with a totally new company. I would like to remind Members who have not looked at that timeline recently that back in 2007 the previous Council of Ministers proposed something called the Jersey Development Company as a new company, stand-alone, to go alongside this. We looked at that. The original Corporate Services Scrutiny Panel looked at that and said: "That does not work. Go away and do your homework." So we went away and did our homework and said that is quite right, that does not work. It is far better to change the rules of W.E.B. and do it this way. That is why we lodged P.79 back in 2009 to reflect that. That led to some comments from the Scrutiny Panel, which we took on board. I could have simply brought back P.79, which was referred back at that stage, which by that stage I think had 4 amendments to it and was getting rather bulky. So rather than do that, let us give clarity and consolidate the whole thing into a new proposition. That is what P.73 is. It is really just a consolidation of the previous P.79 and the amendments that were there beforehand. I do want to remind Members who think that this is rushing things that this is, in fact, P.79 simply packaged up in a new box with the same content as was in P.79. I come down to the 3 issues which Senator Ozouf commented on in his remarks. What does this do? This provides, I think, 3 clear improvements from where we are now. It gives clarity overall, it gives clear segregation of duties and it provides for proper accountability; 3 things which we do not have at the current time. I said in my opening speech - and at the risk of repetition for which I may get told off - the structure that I am proposing has to provide clear responsibility from the top down. It is the States that sets out and approves the Island Plan. It is the Minister for Planning and Environment who is responsible for approving the plans for each regeneration zone. It is the Regeneration Steering Group which receives the public input and then provides political oversight of the delivery of the plan and S.O.J.D.C. only comes in with a much narrower role at the end of the process as a development agency or in some cases a developer. That is the nub of this proposition. It provides greater clarity, it provides better segregation of duties and provides proper accountability. Where does that leave us? I hope it leaves most Members with the view that the only way to go - the right way to go - is to support this proposition. I would point out the slight conundrum that those who oppose this proposition are giving a vote of confidence to the present structure of W.E.B. **[Members: Oh!]** While people may say, no, a rejection of this proposition will leave us with the *status quo*. It will leave us in this unsatisfactory situation. Not for a week or 2. Not for a month or 2. But, as far as I am concerned, for the foreseeable future. That is not a way I want to go. I do, therefore, suggest to Members if they feel uncomfortable with where we are, let them demonstrate that by abstaining from supporting this proposition. The Senator thinks I am doing so well until then. **[Laughter]** I say that because this is the time to make up our mind. It is not a time to say we can wait a little bit longer. We have to make up our minds today. Are we going to go along with this or are we not? I believe that we must go along with this for all the



reasons I have said. This is the right thing to do. I urge Members to support this proposition and I ask for the appel.

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

I did not want to interrupt the Minister while he was speaking but could I seek clarification on my question to him? What I asked the Minister was if he could just clarify with regard to the gentleman being paid more than the President of the United States, rather than these vetoes from the Minister for Treasury, if the S.O.J.D.C. goes ahead that individual will automatically continue in his post as to remove him would cost in the region of £2 million, is that a fact?

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

I have no idea.

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

On a point of clarification, how does the Minister reconcile his statement that the States will have a say in the remuneration of executive directors with the consistent stand based on ongoing reform of qangoes and utilities made by the Minister for Treasury and Resources that he will not interfere in remuneration of directors of States ...

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

I have said I will interfere with director remuneration.

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

I think the Minister for Treasury and Resources has made it quite clear that he can and will, if need be, interfere and in some cases he has interfered.

**The Deputy Bailiff:**

Only if genuine clarification is needed because I would have thought the ...

**Deputy M.R. Higgins:**

It is because I think the Chief Minister is trying to mislead the House. I asked at the briefing the day before what would happen if we decided to get rid of W.E.B. and all the people in it. We were told it would cost £2 million.

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

I think a figure of £2 million was certainly mentioned as a possible figure, but I have no idea at this stage whether it is an accurate figure or not. I would not want to give anyone the impression that it was £2 million. It might be £1 million. It might be £3 million. Clearly anyone in that situation will claim for as much as they possibly can.

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

I have a point of order. When the Minister says that this would be stalled indefinitely ...

**The Deputy Bailiff:**

Chief Minister.

**Deputy M. Tadier:**

The Chief Minister who is also a Minister says that. **[Interruption]** Sorry, he is the Chief Minister. Okay, but let us not get into semantics about it at this point. My question is this proposition could be brought back under Standing Orders in 6 months' time, if that is correct. There is no reason that it needs to be deferred for time indefinite. Is that correct, Sir, it can be re-lodged in 6 months' time. **[Aside]** Oh, 3 months. That is fine, that has put my mind at rest.

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

If I bring the same proposition back in 3 months' time I am sure I will get the same responses.

**The Deputy Bailiff:**

The Chief Minister has called for appel. The appel is on P.73 as amended by the adoption of paragraph 1 of Senator Shenton's amendment. All Members are in the Chamber in their proper seats so I ask the Greffier to open the voting.

<b>POUR: 25</b>		<b>CONTRE: 22</b>		<b>ABSTAIN: 2</b>
Senator T.A. Le Sueur		Senator B.E. Shenton		Connétable of St. Brelade
Senator P.F. Routier		Senator J.L. Perchard		Deputy T.A. Vallois (S)
Senator P.F.C. Ozouf		Senator A. Breckon		
Senator T.J. Le Main		Senator S.C. Ferguson		
Senator F.E. Cohen		Senator F.du H. Le Gresley		
Senator A.J.H. Maclean		Connétable of St. Helier		
Senator B.I. Le Marquand		Connétable of St. John		
Connétable of St. Ouen		Deputy of St. Martin		
Connétable of Trinity		Deputy R.G. Le Hérisssier (S)		
Connétable of Grouville		Deputy J.A. Martin (H)		
Connétable of St. Saviour		Deputy G.P. Southern (H)		
Connétable of St. Clement		Deputy of Grouville		
Connétable of St. Peter		Deputy of St. Peter		
Connétable of St. Mary		Deputy S. Pitman (H)		
Deputy R.C. Duhamel (S)		Deputy K.C. Lewis (S)		
Deputy J.B. Fox (H)		Deputy of St. John		
Deputy of St. Ouen		Deputy M. Tadier (B)		
Deputy J.A. Hilton (H)		Deputy of St. Mary		
Deputy P.V.F. Le Claire (H)		Deputy T.M. Pitman (H)		
Deputy of Trinity		Deputy M.R. Higgins (H)		
Deputy S.S.P.A. Power (B)		Deputy D.J. De Sousa (H)		
Deputy I.J. Gorst (C)		Deputy J.M. Maçon (S)		
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				

**2. Le Clos Gosset: upgrade of heating system - petition (P.102/2010)**

**The Deputy Bailiff:**

Very well. We now come to the next item on the agenda which is P.102, Le Clos Gosset: upgrading of heating system - petition lodged by Deputy Maçon. Do you wish to go ahead with this, Deputy Maçon?

**Deputy J.M. Maçon of St. Saviour:**

I have informed Members that I want to withdraw this but I would like to make a few comments before withdrawing it as I think has been done in the past.

**The Deputy Bailiff:**

Then I will ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Minister for Housing to abandon the proposed upgrade of the heating system at the Maisonette Le Clos Gosset and work with the residents in order to find a heating solution that is more acceptable to both parties.

**2.1 Deputy J.M. Maçon:**

I would like to explain the reasons underlying this petition; the main one being the failure of the consultation process with the residents. This led to great confusion, anxiety and stress among the elderly residents. Other reasons being the installation disruptions and the cost of running an electric storage heating system. The residents were of the opinion that once the petition was lodged that the work should not commence until the States Assembly had made a decision. Since that time, as Members will be aware, the works have been completed and the heating system has been changed.

[12:00]

While the Minister did meet with some of the residents and some of their concerns were resolved - and may I express the thanks of those residents to the Minister and the officers that attended - others were not convinced. Since the installation there have been some problems with the size of the units and the ability of wheelchairs to get around the flats. Also the ongoing cost of the system is a great concern to the residents. There is conflicting information on this point. I have asked the residents to keep copies of their electricity bills and if it does pose a problem, while the assurances from the Housing Department are that there will not be ... if there are any problems then I will be coming back to this House. I make that commitment now. I hope that the Housing Department has learned lessons about the importance of the consultation process, simply because of the anxiety that it has caused to their tenants. I find myself in the situation whereby the reasons to halt the installation have disappeared, having divided thoughts from the residents about the system and also speaking to Members. Now that the system has been installed the political support also has wavered. I thought that as a courtesy it was important to provide these comments. In light of these circumstances, as already communicated to Members, I will not be proposing the proposition though I will be keeping an eye on this subject. I thank Members for their attention.

**The Deputy Bailiff:**

Very well. The proposition is withdrawn.

**3. Composition of the States: Spring election and move to 4-year term of office (P.118/2010)**

**The Deputy Bailiff:**

We now come on to P.118, the Composition of the States: Spring election and move to 4-year term of office lodged by the Privileges and Procedures Committee. I will ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion: (a) to agree that, from 2015, the single election day each election year will be held in the Spring, and to agree that all Senators, Connétables and Deputies elected in October 2011 should be elected for a common term of office of approximately 3 and a half years ending in May 2015; (b) to agree that, subject to the necessary transitional arrangements in respect of the 6 Senatorial positions that will become vacant in 2014, all Members of the States should, from May 2015, be elected for a common term of office of 4 years; (c) to agree that the number of Senators should be reduced from 12 to 8 over time and that this should be achieved by - (i) electing 4 Senators for a period of 3 and a half years in the ordinary elections for Senators to be held in October 2011 (thereby reducing the total number of elected Members of the Assembly from 53 to 51); (ii) electing a further 4 Senators for a period of 4 and a half years in the ordinary elections for Senators in October 2014 (thereby reducing the total number of elected Members of the Assembly in that year from 51 to 49); (iii) electing 4 Senators for a period of 4 years in the ordinary elections for Senators in May 2015; and (iv) electing 8 Senators for a period of 4 years in the ordinary elections for Senator in May 2019 and every 4 years

thereafter; (d) to request the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the above proposals together with appropriate amendments to legislation to ensure that the appropriate balance between the total number of elected Members who are Ministers or Assistant Ministers and those who are not is maintained when the total membership of the Assembly is reduced.

### **3.1 Connétable J. Gallichan of St. Mary (Chairman, Privileges and Procedures Committee):**

Although this is without doubt an important issue, it is my intention to keep the proposal speech short because I believe that all the arguments on aspects of States reform have already been had by both this and previous Assemblies. Furthermore, the report gives a succinct background to this proposition which will have served to refresh the memory of any Member who might require it. I do think, however, that a few things do bear repeating. This P.P.C. (Privileges and Procedures Committee) like its predecessor is concerned that piecemeal reform is not ideal but the committee's preferred option for overall reform did not find favour with the Assembly. This is not the time to reopen that debate but it is clear that the absence of any agreed changes constantly stalls the possibility of reform. In considering many options for change the position of the Senators was often the most challenging factor. The retention of the current 12 Senators with a 6-year term can frustrate many other desirable reform proposals. In practice, having 12 Senators makes the concept of a real general election almost impossible as it would be extremely difficult to elect 12 Senators at the same time and there would be a significant risk that the candidates elected in tenth, eleventh or twelfth place would receive a very low percentage of the votes cast. There are very mixed messages about the desirability or otherwise of retaining the Island-wide mandate. Some consider that there should be some close connection between the Island-wide mandate and Ministerial responsibility. Looking at the current Council of Ministers, however, and bearing in mind that there are presently 12 Senators available in the Assembly, only half the Ministerial positions are held by Senators. In 2006 the then P.P.C. undertook a MORI poll as part of its consultation on reform of the States Assembly. The results of such research can be interpreted in a variety of ways of course. The 2006 MORI poll is sometimes quoted to support the retention of the Island-wide mandate. This must, however, be set against the fact that in that same poll there was overwhelming support for the concept of a true general election day and also strong support for a reduction in the number of Members. In bringing forward any reform proposals, it has always been clear that some degree of compromise is, therefore, necessary. If any reform is to be proposed for the 2011 elections, decisions must be made this Autumn so that the necessary changes to legislation can be made in time. P.P.C. is, therefore, bringing this proposition forward to kick start reform and to avoid the States being tied into another 6-year cycle where reform is limited. Conscious that any reform must be workable, P.P.C. proposes a timetable whereby future reforms can be effected in a structured way. In September 2009 this Assembly debated P.109/2009 brought by Deputy J.A.N. Le Fondré entitled "Composition and election of the States: single election day in each year." This Assembly voted overwhelmingly in favour; 47 votes pour, no votes contre, with one abstention. When Deputy Le Fondré made the proposition he said: "What I believe the public wants is to have a single election day, ideally for the whole Assembly." This sentiment was echoed by others. This current proposition paves the way whereby we can elect the entire Assembly in a single Spring election by 2019. When the acceptance of a move to one single election day in each election year was made, the concept of a Spring election has become at least feasible. There are clearly a number of reasons why this would be desirable, perhaps the most obvious being the longer evenings and generally better weather which would not only facilitate campaigning but also hopefully encourage participation. A move to Spring elections would also affect the annual budgetary cycle and it would enable the new States to be constituted before the Summer recess with financial proposals then brought forward and debated by the new States in the Autumn, which is clearly more appropriate than the current situation where the old States have to debate the budget after the elections. One element of reform which has gained consistent political support is the standardisation of the term of office to 4 years and this proposition also facilitates this.

Furthermore, the proposition also allows discussion on the reduction of the number of Members from 53 to 51 initially and then to 49. Of course the forthcoming debate on Deputy T.M. Pitman's amendment will allow further variations to be discussed. Nothing in this proposition prevents future Assemblies from bringing additional or indeed alternative reform proposals in due course and perhaps even varying the sequence of events set out. But it is certain that unless we decide to embark on this reform now nothing will be achieved in time for October 2011 and there will be also an inbuilt delay in bringing about reform in future years. As it is, some Members may be frustrated that the full general election is not achieved until 2019. P.P.C. did consider other timeframes but was constrained by the fact that it is not possible to extend nor significantly curtail the term of office of existing Members. Furthermore, P.P.C. did not consider it desirable to hold public elections for significantly shortened terms of office, for example, of one year's duration, which might have enabled the changes to be achieved earlier. It is impossible to achieve the significant changes in one fell swoop because of the current election cycles but, as they say, the longest journey must begin with a single step. I invite Members to take that one bold step today.

**The Deputy Bailiff:**

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

**3.2 Composition of the States: Spring Election and move to 4-year term of office (P.118/2010) – second amendment (P.118/2010 Amd.(2))**

**The Deputy Bailiff:**

Members will have noted that there are 2 amendments; one in the name of the Deputy of St. Mary and the other in the name of Deputy Trevor Pitman. Can I just say to the Deputy of St. Mary, as I read your amendment I read them as one package. He is nodding so he agreed. As that involves an amendment to paragraph (a), I propose to take that amendment first. I hope Members will allow the Greffier a little respite and for us to take the amendment as read. Nobody is objecting so I call on the Deputy of St. Mary to propose his amendment.

**3.2.1 Deputy D.J.A. Wimberley of St. Mary:**

Indeed it looks complicated. There are lots of little bits amending different parts of the original proposition and I will explain briefly in a little while just exactly where we end up if my amendment is accepted. But I do want to start by thanking the Greffe for producing what turned out to be a complicated amendment although the concept is simple. As the proposer pointed out, because of our electoral cycles these changes are difficult to implement - sort of bitty - but the direction is clear. I do want to thank the Greffe for doing such a good job in a short timeframe to get my amendment in front of Members. I notice that people are tired from the previous debate and we have already gone to 30 people sitting in the Chamber from 53 which is unfortunate because the last debate was clearly a major matter involving multi-million pound investments and how we handle them and this debate is only about the constitution of the States. But of course that is a very important matter. It is wearisome in one respect. It looks to the public as if we are looking at our own navels, as they say. But in fact it really matters who ends up sitting here and how they get here because after all that determines the nature of all the debates that we have. In my view this amendment is about the Island-wide mandate. It is about whether Members take a decision in the full knowledge that it will destroy what is the most popular feature of any system for electing States Members. If we vote for the proposition, with or without Deputy Pitman's amendment, as it stands then we should do so in the full knowledge that we are voting against the expressed wishes of the public. I will justify that statement in a moment. What is important to grasp at the outset is that the question of voting against the wishes of the public is not academic. If the public make clear that they want X and we turn round and say: "But you did not really say that, did you? We will do Y" then you are risking a breach of the relationship between the public and the States and you reinforce the whole perception that they do not listen. They ignore us and they do not care. There is a recent very powerful example of just what I am talking about which is that in order to get the town park across the entire site there had to be a pitched battle in the States lasting months when that was the

clear wish of the people of the Island. I do not compare the intensity of the feelings around that with the intensity of the feelings around retaining the Island-wide mandate but the issue is the same; whether we do listen to what the public are telling us. After that introduction, I will start by just saying where this amendment ends up. It ends up in 2015 with an election for 29 Deputies and 12 Constables, which is what I term the major election, and allows the public to change the Assembly because that is 41 of the Members in one go. Then in each intervening year - each of the following 3 years - 4 Senators would be elected each year. Then in 2019 we go back to the 29 Deputies and 12 Constables being elected if that is what the composition of the House is at that stage and then we have the 4 Senators again each year. So from 2015 the pattern is fixed.

[12:15]

What the complicated paragraphs in my amendment do is they simply handle the transition to get to that point. That is what we are talking about. A set-up where there is an election for 41 Members in 2015 and every 4 years thereafter and an election for 4 Senators in each intervening year. I hope that is quite clear to everyone. I have avoided the complications of all the little transitional things because they exist ... the proposers of the proposition as well. We do have to have some slightly odd elections in between but that is in order to get to where we want to go. I am first of all going to show that this proposition will, in my view, destroy the Island-wide mandate because that is the nub of what I want to say. The second thing I will go on to is that this is against the public's express wishes. Those 2 points taken together; first, that this will have the effect of effectively bringing Senators to an end, or whatever we call them, and the second thing is that is against what the public want. I will then touch on the 3 subsidiary arguments that have been brought against the reforms. One is that it will mean too many elections. The second is that it will have an adverse effect on Ministerial government and the third is cost. Firstly, destroy the Island-wide mandate. What made me bring this amendment was when I read in the original proposition on page 5 the following words: "In 2019 at the end of all transitional arrangements the term of office of all Members of the States will finally finish at the same time and a Spring general election for 8 Senators, 12 Connétables and 29 Deputies will be held in May 2019 with all Members appointed for 4 years." When I read that my heart sank. The prospect of 8 Senators being elected in one go and we know what it is like with electing 6. Electing 8 in one go at the same time as you are electing the Deputies and the Constables and bearing in mind that all those Senatorial candidates will be newcomers. No disrespect to the 2 newcomers who made it who are sitting opposite, Senator Le Marquand and Senator Le Gresley, but it is rare frankly to have people who come in in one go and show their mettle in the House. That is fine. That is still going to be possible in my version and indeed in P.P.C.'s version. But what will happen... what I am saying is that those 8 Senatorial candidates will all be newcomers. Nobody sitting in the House - no Constable or Deputy - is going to ...

**Deputy M. Tadier:**

Sorry, will the Deputy give way? Is that correct because in theory 6 of the Senators could stand again for election then? It would only be 2 who are newcomers. Is that not correct? I think that needs clarification. I think a few of us are scratching our heads. It is a complicated issue admittedly.

**The Deputy of St. Mary:**

I think Deputy Tadier has pointed out that what I said was incorrect. In the P.P.C. version it is possible for Senators to re-stand. Yes, you are right. The existing Senators can stand but there will not be any step-ups. There will not be any Deputies or Constables risking their necks on the block of the Senatorial elections. That means that at the last election we had for Senators there would have been no Deputy Ferguson. There would have been no Deputy Southern. There would have been no Deputy Breckon. It would have been frankly a fairly miserable road show without the strength of those candidates. I do think that it does reduce the prestige of the role if the existing

Members, who are not Senators, do not have access to the Senatorial benches. I think that the electorate will feel cheated if that is the case because apart from the existing Senators who wish to carry on, all the other Members are not going to move so you have the existing Senators and newcomers only. I do not think that is what people want. We will touch on that again when we look at how the Ministerial appointments relate to my proposal. The second thing is against the public's express wishes. We heard in the proposer's opening remarks a rerun of what is in her proposal. I quote what she said because I wrote it down word for word: "There are very mixed messages about the desirability or otherwise of the Island-wide mandate." That is indeed what is written in the proposition. She also said that the 2006 MORI poll which polled members of the public on individual features and how much they wanted this, that or the other. She said that it supports the Island-wide mandate and there is overwhelming support for the general election. That is a slight distortion because I do not know how you can say that one is overwhelming support when it is 71 per cent and it is just support when it is 78 per cent. The point is that the biggest single vote of the public was for the Island-wide mandate. Of course when you are asking people to vote for different features they will vote for each feature that they want and some of them will be contradictory. You cannot do everything in one electoral system. But the weight of opinion is what MORI were after. They were not putting those complications to the public. They were not saying do you want this system with all the bells and braces or do you want this system. They were saying what about the mandate, what about the constituencies, what about the number of Members and so on? What the public said was what we want most of all is the Island-wide mandate. If we do not accept this amendment - if we go with the proposition unamended - we are saying to the public you can say what you like to the pollsters but it does not matter. I am sorry but I think it does. If I refer Members to my amendment in my appendix, I make it quite clear just how substantial this desire of the public is. I have reproduced the chart of the constituencies which the public want. MORI asked 1,300 Jersey residents and they did the science of stratification properly. I have reread their processes and their methodology. This is sound. It is not a self-appointed sample: "At present some Members are elected by the whole Island while others are elected on a Parish or District basis. Do you think that (1) all Members should be elected on an Island-wide basis? [46 per cent], (2) some Members should continue to be elected for the whole Island and others on a Parish or District basis? [32 per cent]." All Members on the Island-wide mandate, 46 per cent. That would be some election, would it not? Some Members Island-wide and some on a Parish or District basis, which is what this amendment is, is 32 per cent. Those 2 together are 78 per cent. You cannot just throw that in the bin and say they never said that because they did. As I point out in my appendix, this figure is higher than any other preference expressed by the public. I also point out that of course it is not only a matter of what the public want but it is a pretty strong indicator, and we have to have very strong reasons for going against that. I have not heard the strong reasons. There is one other indicator of what the public are after from their States Members. It is in the report of the P.P.C. original proposition, P.72, where they propose a complete revamp of our composition. On page 13 of their report on P.72, they have a very interesting finding about what people who replied to MORI wanted out of the role of Members. The most significant issue identified and I quote: "... was that Members should run the Island as a whole" with the second most significant role of States Members being: "Representing all people in Jersey." The number of respondents who believe that the most important thing for States Members to do was run the Island as a whole was over double the number who believed that a Member's most important role was representing people in their constituency. The public are quite clear why we are here. We are here to look at issues in the round, to look at the government governance of the Island as a whole. I am not saying it is an argument for the Island-wide mandate. It is a pointer as to what the public think our role is and it does go in the direction of this amendment. Now to the arguments against the amendment that I have seen. I will deal with these quickly in turn. The first is too many elections. I think the proposer referred to this in her opening speech. It certainly is mentioned in the comments that P.P.C. have written on my amendment. "There is a real possibility that a form of voter fatigue would set in and voter turnout could be very low in an annual Senatorial election."

There is a real possibility. I find that a fairly weak argument. In my notes I have put "scrawny argument" because it suggests that the public have some kind of problem with turning out to vote. We know the voting record is not brilliant and it is declining. But to say that is because of this or that voting system ... it could be because you have the commonly expressed view that it does not make any difference, does it, and so on. I think voter apathy has deeper roots than whether it is Senators or Constables or Deputies that we are voting for. I think there is a very deep-seated problem there. It goes across all Western democracies, I think, this disconnect between the public and the politicians, which is part of what my amendment is about. Let us not use that as an argument. The second point I would like to make is that I did a little research just now because I knew that there are many local authorities in the U.K. where they have elections every year. Indeed it is true that a large number - probably the majority - of people in the U.K. are voting every year; 71 district councils. This is from the Local Government Association website 2010; 71 district councils this year voted by thirds. They have an election for one third of their councillors. Then they will have an election for another third. Then an election for another third. Then a gap when the county council election comes in and then the district councils continue with their one election every year; electing by thirds which is exactly what this proposition says. There are 20 ...

**Deputy R.G. Le Hérisier:**

On a point of clarification, does the speaker have the turnout for those annual elections?

**The Deputy of St. Mary:**

I am afraid the L.G.A. (Local Government Association) sheet on this does not have that but that comes under what I said before. I just do not think you will find a correlation between whether people are voting all at once or whether they are voting for one-thirds. It would be interesting to find out. Maybe someone has done that research. Just for Members' information, district councils include places like Basildon and Harrogate. That is the sort of place we are talking about. Twenty unitary councils also elect on thirds including Bristol, Derby, Southampton, Milton Keynes, so bigger authorities electing by thirds and all metropolitan boroughs. There you are looking at Birmingham, Leeds, Manchester, Liverpool. So the idea that voting every year is impossible in Jersey or difficult or problematic, sorry, it does not stack-up. It can be done. I do not think it is too difficult for Jersey. "Adverse effect on Ministerial government and the question of how it fits into the cycle." That does sound convincing and I had to think about this quite a bit. It sounds convincing but in fact the reverse is true. There is quite a big benefit to the Ministerial system if you change the composition in the way I am suggesting. I will just quote my own report because I cannot say it better. It saves effort: "Ministers that are Deputies or Connétables should consider putting themselves before the wider electorate to show that they have the wider support that their position implies that they should have."

[12:30]

This is an issue out there. This is an issue out there that there are people on very small mandates. I have no problem with the individuals but the fact is there are people on very small mandates who are very powerful Ministers in the Island. If they are not confident of gaining a Senatorial seat even though they are sitting Ministers with the prestige, power and confidence that goes with the office then one has to wonder if they should have been made Ministers in the first place. I do think that if we adopt this amendment there will be a backwards pressure on the Chief Minister to appoint people who he knows will win those Senatorial elections, who can go in front of the whole Island and win their confidence as well as the confidence of the States. That is an important issue. It is not just about us 53 choosing our mates to be our Ministers, well, choosing the people of our political stripe, which is what we have seen this time around - although one or 2 are less stripy than others. But this change will have an influence on the way the Chief Minister approaches that task. Deputy Trevor Pitman has said in the past, it is a fact that Ministers no longer are Senators and uses that as an argument for reducing the number of Senators, because after all it does not really matter



much, because we get Deputies and Constables as Ministers now. That is not an argument for doing away with Senators; it is neutral. What I have shown is that by going for this change, the Chief Minister then has to take into account this issue of are these people going to stand in a Senatorial and will it stack-up if they do? Interestingly, the comments of P.P.C., which we received yesterday, do deal with this issue. If I quote you will see how weak their argument is: "Should a sitting Deputy with Ministerial responsibilities stand for election as Senator and lose, this would be likely to give rise to concerns in respect of their credibility and suitability as a Minister." In other words, if a Minister goes before the electorate and does not succeed in becoming a Senator, they do not lose their seat in the House, they can continue as a Minister, but there would be concerns about their suitability. That is exactly the point. The people out there will have had a say on Ministers and that message would go straight to the Chief Minister and straight to the House as to that Minister's suitability. I would have thought that that is a plus for democracy and not a minus. There is a point I need to make about keeping the Island-wide mandate, you need separate elections and suffice it to say that in their report in P.72, P.P.C. made this same point that in order to keep the Island-wide mandate you logically have to have a separate election. You have to move it to another year, because now we have chosen to have one election day in each year. I do not have any quarrel with that in the context of this change. So you do have to have the separate day. The only way you can have the separate day and keep the Island-wide mandate is to have it on a separate year. Having it on a separate year - a different year - means that you can have the step-up; which is very important. I would like to emphasis this point. Jersey has a limited political culture. We have a limited number of N.G.O.s (Non-Governmental Organisations) out there. We have no political parties ... well, possibly one, I am not quite sure, but we have a very limited political party setup. So there is not the way of learning the ropes that I have seen operating in the U.K. When I go over there and get involved occasionally in elections, you can see people learning the ropes as they take part in those elections, because there is a party system. We do not have that. So we need to have, therefore, basically for newcomers in the States to have the possibility of the step-up. That is what people out there want. What they did not want was a step-up in the same year, an election for Senators first and then the fallback to an election for Deputies in the same year. Which does create both the turnout problems; I quite accept that. There is the question of the number of States Members. My report makes it quite clear that I do not think that this is an issue that determines this matter one way or the other. What is clear is that the existing 53 cannot keep tabs on what is going on. I have real problems with the public perception that is fostered that: "Oh, well, if you cut 4 that is good. If you cut 8 that is better and maybe we only need just one or maybe we just need Ministers." I hear the comment: "Do not tempt them." But of course dictatorship is the most efficient system. We do not need to discuss anything. I would just like to point to 2 or 3 issues, which make for this matter of States efficiency, and why we could possibly reduce the number of States Members, but not the way things are now. One cause of extra workload is Ministers not behaving with genuine openness, transparency and honesty. If they did, life would be easier. Life would be shorter ... sorry, life would not be shorter. **[Laughter]** States meetings would be shorter. There would not be the atmosphere of mistrust. We would get to the meat quicker. That would indeed reduce the workload. But when you are in a situation where you have to challenge every statement to see whether it is true or not, even in reports, as we have seen, then it is difficult. When we have consultants who are made, almost, to produce a report in a certain way, there are real issues about our efficiency and that increases the load on Members. Another problem we have in this House is getting things right first time. If we did get things right first time, there would be, again, less work. But, my goodness, we have an aptitude for making mistakes. I just have child protection, the suspension of Mr. Day, the suspension of Graham Power, the dumping of toxic ash on the Waterfront, Fort Regent and the incinerator. If we only had a wiser process, which we do not, for getting decisions right, again there would be less work. The third thing that gives us lots of work and really makes me question the wisdom of, for instance, a reduction of 6, as we are going to hear under Deputy Trevor Pitman's amendment, is there is a real issue with Jersey as an independent jurisdiction. I notice that there was a conference a couple of weeks ago with

distinguished luminaries, like the ex-Bailiff and ex-politicians from the U.K., about the independence of the Island and the possibility of the Island being independent. There was no discussion, as I remember - certainly not in the agenda for the conference - about how much it costs to go independent. Already we create our own laws, we negotiate special deals with the U.K. on health and shortly on education fees, we solve all our own problems and we imagine this can be done somehow at zero cost, that we can do this for the same benchmarked costs as in the U.K.; little Jersey with 90,000. It is, of course, nonsense. It is very expensive to run an independent or quasi-independent jurisdiction with just 90,000. Some people think the States number can just be cut magically and the work will somehow get done magically. There is more work to do in Jersey, because of our small size. So I do not take the argument that cutting 4 is good, cutting 6 is better and cutting 20 would be even better. The cost of elections, P.P.C. mentioned that in their comments. The figures I took were from their own report on P.72. I simply used their figures. If it costs a little bit more, frankly, to get this right, if it costs £15,000 extra to run a Senatorial election from the figures that I quoted, it has to be within reason, the price of democracy, but I do not think we can fudge this. I do not think we can go down the road of saying that the cheaper elections are the better the States' composition will be managed. In fact it is quite an extraordinary claim to make that we should gear the composition of the States to the cost of the elections involved. That will not wash. We have to get this right. We decided on a budget, the £650 million. God help us if we are going to save £10,000 in order to get the composition this way or that way. To summarise, in 2019, if we go with the proposition unamended, we will get an unsatisfactory solution. The 4-year term I agree with. That is not up for discussion. The public themselves did not want the 6 years, only 3 per cent in the MORI poll. The Spring election, also the proposer eloquently justified that. There is no discussion about that. This amendment does not change those 2 things. It also does not change the option of changing the composition further for the 2015 big election. That is in both the P.P.C.'s version and my version. We have 4 years to get our heads round getting the composition of the States right. We could do it in 4 years, maybe, with the right mechanism to have a proper look, root and branch, and get this - I nearly used an unparliamentary word - sorted out once and for all. But it will take a step back to get it right, I think. I am sure that might be coming to the House one day. My amendment combines the advantage of a single large-scale election, which does allow change of the House in one fell swoop. We have moved towards this in the past. We now have the Constables all elected on the same day. Now it will be the Constables and the Deputies elected on the same day. That effectively is almost a general election. We also have the advantage of ensuring that the electorate has the chance every year to give the Assembly a kicking in the direction in which they want us to go. As I have said, that has an impact also on the choice of Ministers. Last, but not least, this is in line with what the public want. I do think that is important and I wait to hear Members' arguments as to why they think we can just ignore what we have been told. I urge Members to support.

**The Deputy Bailiff:**

The amendment is proposed. Is it seconded? [**Seconded**]

**LUNCHEON ADJOURNMENT PROPOSED**

**Deputy R.G. Le Hérissier:**

Sir, I wonder if it might be a suitable time to call for the adjournment before we launch into the debate.

**The Deputy Bailiff:**

Do Members wish to adjourn at this stage? The adjournment is proposed. The States will stand adjourned until 2.15 p.m.

[12:43]

## LUNCHEON ADJOURNMENT

[14:15]

### **The Deputy Bailiff:**

The debate resumes on the amendment of the Deputy of St. Mary to P.118. Does any Member wish to speak?

### **3.2.2 Deputy R.G. Le Hérisier:**

It would have been nice to have addressed my comments to the Deputy [**Laughter**] but I am sure where he is he is listening to us; I hope. This is yet another step in a sad sorry saga and I am afraid most of us are struggling to understand this. It has been put forward with the finest of intentions. The Deputy... we know his commitment, his ability to deconstruct ideas and proposals is without limit. [**Laughter**] Sorry, is without peer. I am afraid we are struggling to understand it. The notion that we will go out to the public and have to sell them this idea is quite frankly inconceivable. There is a French saying which says: "This may be logical, but is it reasonable?" I am afraid in a way, perhaps to a lesser extent this has come across as highly complex even though it apparently is not. This is going to be the problem with other ideas. The more I revisit Clothier - and I know under Senator Breckon's proposal he has managed to draw-up some pieces from my murky past - the more I see it as one of the clearest, simplest, well squared-off proposals that we could be dealing with. We were told: "If you tamper with it, you tamper with it at your peril." That is indeed what has proven to be the case. It is basically, in my view, although obviously it can be improved, a coherent proposal which tries to square everything off; it is without peer. All our attempts to deal with it in an *ad hoc* incremental way for the finest of motives, I should add, all our attempts to deal with that, I have to say, are doomed. We are doomed; the end of the world is nigh. I will not give that favourite speech of the former Senator Walker that if you do not agree with me Western civilisation will collapse. [**Laughter**] I think we will live beyond this afternoon. But I would ask the Deputy to consider very seriously whether he should not withdraw it. [**Approbation**] I think it is put there for the finest of motives, but it will not get anywhere. I am just horrified by having to go to the public to try to explain it, because I think they will react even more and they will say: "This is the States playing its old games again with reform. It cannot make its mind up. So therefore, it is trying desperately to bite at the cherry from whatever angle it can." Sadly, I think there is a much better chance of internal reform of a kind that Senator Breckon, with maybe some changes, is proposing later. I hesitate to say this, because I am so aware of the effort and the commitment of the Deputy, but we are on the road absolutely to nowhere with this one. I would ask him to withdraw it. Thank you, Sir.

### **The Deputy Bailiff:**

I look at the Deputy of St. Mary to ask him if he is going to withdraw it only to confirm to the public that he is in the Assembly.

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

I was listening to what the Deputy was saying.

### **3.2.3 Senator F. du H. Le Gresley:**

I did speak yesterday very briefly and I was told my microphone was not working. I hope it is at the moment. I am glad to follow the previous speaker, because I would consider him an expert on these matters, whereas I am not. However, as the most recently elected Senator, I felt I should speak on this amendment. As a general comment, I would say that I fear that both amendments and the proposition will all fail to be approved today. That is because I think we are all getting so hung-up on titles and who we are and why we are here. Certainly, as somebody who has been recently elected, the only reason I stood for election was to represent the people of Jersey. It was not

because it was a Senator's seat. If it had been a Deputy's seat it would have made no difference to me. I wanted to represent the people of Jersey. I hope that we all wish to do that. One of the contentions of this amendment and the following amendment, if we get to debate it, is why would somebody who was already in the House as a Deputy or Constable wish to stand as a Senator when the election is taking place on the same day? I would say why would you not wish to stand as a Senator and obtain an Island mandate, which would support your policies and, if you have been in the House, what you have achieved in the House. I think that is a perfectly good reason to stand as a Senator as long as we retain Senators in the House. I have to say that if you do not get elected, having stood on your policies and your mandate manifesto, then you have to accept that decision gracefully and retire from politics, I would suggest. The Deputy of St. Mary's proposition is far too cumbersome and could result in numerous by-elections. I would suggest to you that this is a scenario that could happen. We do have a Constable who is here in the House who is currently a Minister. Now if that Constable was under the Deputy of St. Mary's proposal to stand for Senator in one of these annual elections and was to be successful, a vacant seat would arise in his Parish as Constable. Now, if one of the Deputies in St. Brelade, for example Deputy Tadier, wished to become Constable, he could stand in the election for Constable. If he was successful, we would then have an election for Deputy Tadier's seat. So you can see the scenario of multiple elections all year round trying to fill these seats. In my opinion this would be ridiculous. I cannot support the amendment. I doubt if I will support the next amendment if we debate it. Personally I have no problem with reducing the number of Senators, Deputies or Constables in this House, but I do not think I will be supporting any of the amendments. Thank you.

#### **3.2.4 Deputy G.P. Southern:**

It is hard to know where to start with this apart from to say that while I seconded the proposition I may not vote for it. **[Laughter]** But I seconded it on the basis of the excellent presentation that the Deputy of St. Mary gave, which enabled me to understand what he was going to do and what his proposition was about. I think he is very clear what he is intending to do. I believe, unlike the previous speaker, it is a perfectly workable proposition that does provide a structure which allows us to maintain, in one form, the Island-wide election. However, where I part company with the Deputy of St. Mary is his presentation which seemed to conflate 2 elements - 2 different options - and round that out to a 78 per cent approval rating for the Island-wide mandate. He compared this with, I think, he said the 71 per cent which was calling for a general election. Therefore, he says this takes priority rather than the general election. My interpretation of the surveys that have been is that the overwhelming demand is for a general election. The population out there want to be able to sweep the entire Chamber out if necessary and replace it with another one if they possibly could. What nobody explained to them at the time of these surveys was that if you want to maintain 3 types of Member with different terms and different electoral bases then you cannot have a general election. It is very, very difficult. So, the one was the antithesis of the other. Nobody explained that at the time. That is the reality. Now, I too am drawn time and time again back to Clothier. Clothier, as Deputy Le Hérissier has just stated, said: "Do not cherry-pick it. It comes in its entirety. It is workable in its entirety." What did we do? We cherry-picked it. The result is this sort of debate again. As we try and manipulate some way of getting something which might be workable and more democratic than we already have. That is where I completely part company with the Deputy of St. Mary, because this absence of joined-up thinking, which was clear with Clothier, makes me want to reject this for the simple reason that Clothier said that we ought to get rid of the position of Senator and that we ought to change the status of the Constables to remove their *ex-officio* sitting in this House, that if they want to contribute in that way they have to stand as a Member of the States of Jersey. Now, I think I am not going to support this particular amendment because although it is workable and is a way forward that might preserve the Senator's position, from now until kingdom come it will never get to Clothier; and that is what we have to do. Sooner or later we have to go back to Clothier and we have to make those moves, because that is the only way we will get a truly representative and democratic system, the connection between somebody's

vote and what happens in this Chamber. I believe the only way forward is Clothier. This provides a mechanism with which we might postpone the going to Clothier. By Clothier I mean the single type of Member, whatever the number is. Therefore, despite its coherence and its superb presentation and, to a certain extent, its simplicity, it is a complication we do not need and I will be voting against it.

**The Deputy Bailiff:**

Most people would think that a person who proposes a proposition is in favour of it and a person who seconds a proposition is in favour of it. If a seconder is not going to support the proposition there is scope for the Privileges and Procedures Committee to consider whether the Standing Orders need to be maintained and that they require a seconder. I call on Deputy Trevor Pitman.

**3.2.5 Deputy T.M. Pitman:**

I just want to focus on Senator Le Gresley because he just conjured-up a possible image of Deputy Tadier as a Constable and I have to say I would love see Constable Tadier at the Constables' Christmas party after his relationship. **[Laughter]**

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

He comes to my Christmas party, I am pleased to say.

**Deputy T.M. Pitman:**

I do not want to say much on this, because I am going to save my comments for my own excellent proposals. But I have to say I have a huge, huge amount of respect for the Deputy of St. Mary. He is a breath of fresh air, in fact. Perhaps he should take a few more breaths sometimes. I think the clear motive of what he is doing is to try and make the electoral process as long as some of his speeches. **[Laughter]** But I do have a huge amount of respect for the Deputy of St. Mary. I cannot support this and I would just like to comment on a couple of points. There is some truth in what he said about it. It will impact, I am afraid, on Deputies or Constables going for Senator. Unless you are someone with reasonable capital, if you are in what you might think of as a safe seat, perhaps wrongly, why would you take that risk? I think there is an argument that a lot of people like to see a Deputy serve his apprenticeship, as some have put it in the past. That is not going to happen any more. The Deputy talked about everyone having an Island-wide mandate and I would support that if it was possible, but we all know that it is not possible. We could not have an election with everyone. How many candidates would there be?

[14:30]

It would be like when I was in Croatia some years ago and they said after the changes it had gone from 4 parties to 104. Can you imagine, everyone standing at the same time? It just could not work. I would just like to take issue with what he said about there being this great craven desire of the public wanting to have the Senators. Well, I think people do want an Island-wide mandate, but there is absolutely nothing that proves that we or the public want 12 Senators. That is a fact. P.P.C.'s proposals and my proposals will allow that Island-wide mandate to carry on. So I cannot support the Deputy, but I want him to know that I do really respect him and I honestly think that if we cannot support any of the proposals today then, as I have said to Channel Television, the next move must surely be to adopt the X-Factor type scenario where all 53 of us vote off the 2 people we least like and perhaps I will be out of a job myself then. Thank you.

**3.2.6 Deputy M. Tadier:**

I will limit the comments specifically to this amendment as is necessary. Having said that, I think it is necessary to comment on the seconding. I think it is quite appropriate that a States Member may in a given circumstance decide that they have not yet heard enough of the debate and so that they remain agnostic at the point when it comes to seconding. In the absence of any other seconder they

may wish to say: "I need to hear a lot more about this debate in order to decide where I am going." So my advice to P.P.C. if it ever comes to that would be that to keep the *status quo*. Although I would say, maybe it would be more sensible to have to get another Member to sign the proposition in the first place, so at least at that stage there is more than one Member support for any one given proposition. But on to the main debate of this part now. My problem with this amendment - although I think that the work has to be commended because we do have a complex system - is this would probably only make it even more complicated. My issue is that when I stood for election I made it quite clear in my manifesto that when it came to reform I wanted to see a single type of States Member and that I wanted to see a single election day. Now we have seen one of those already, but we have not seen the other. That is what I will be fighting for as long as I am in the States. I am also generally supportive of Clothier. I would say one step further than Clothier, because I support super constituencies, which I do not think was in the original Clothier; although I stand to be corrected. I have an issue about Senators at the moment being split into 2 sections, so you cannot vote for them all in one go. There is a remnant which will stay in the States for 3 years while the rest of the elections are going on. That is going to be addressed by the main proposition. I think that is a step that we need to be going down. I already have a problem with that. One reason is because of the election of Chief Minister. Irrespective of whether you think the Chief Minister should be elected by an Island-wide and direct vote or if you do not, there remains an issue in the eyes of the public in the sense that at the moment and historically, and I suspect ongoingly, we will have a Chief Minister who will be appointed during the middle of his term. That is what has happened twice and some suspect that is what is going to happen again. This is a real issue with the public, because the Chief Minister in that scenario does not have to face a fresh mandate. This scenario, if adopted, will only make that even more complicated. I know Senator Le Gresley mentioned that under this arrangement a Constable could stand for Senator. My concern is, for example, that a Constable might 2 years into his term decide that he wants to stand for one of these yearly elections for Senator then be able to get elected on that basis in a very secure way, because he knows that if he or she does not get elected, she has a seat for a remaining year and go for Constable again. He or she can get elected and then you have a 4-year additional mandate, so you have been in there for 6 years. It seems something of a nonsense, but that I am sure can be clarified again in summing-up or maybe that is just one of the trade-offs that has to be done in order for that to happen. Of course, I would say to Senator Le Gresley that at the moment a Senator halfway through his term or 4 years in, if he wanted to, can stand for Constable during an election. So at the halfway point a Senator might think: "I do not want to be Senator any more." He will stand for Constable or Deputy and then you have another by-election which will have to be held for Senator. That does not tend to happen, because that is not very sensible. That is usually why it does not happen. That is probably, I imagine, what the response will be from the Deputy of St. Mary. I cannot support this, because it is moving us in the other direction to which I want to be going. It may well be that the P.P.C. proposition is a Trojan horse to get rid of Senators. I do not even know if it is a Trojan horse. But either way I do not really have a problem with that, because that is a position I want to be going in. I am not hung-up on titles. I think, as was mentioned. I am not hung-up on who I am. I am sometimes hung-up on why I am here, but certainly not on what my job title is. I would like to see one position, as I have said, for the whole of the States and this proposition goes the other way. At the moment unless the Deputy can convince me otherwise, I will not be supporting it.

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

Just very briefly. Obviously I feel I should respond seeing as the P.P.C. did put comments in. I hope Members have read them, because they are quite pertinent. One of the things I would like to draw attention to which the Deputy did not mention in his speech, for obvious reasons I think, that P.P.C. was concerned that far from enhancing the position of Senator, this made Senators really a secondary position after the Deputies and Constables elections. Even so far as the titles given to the elections, that there would be major elections for Deputies and Constables and minor elections

every second, third and fourth year for the Senators. P.P.C.'s proposition is not designed to be a Trojan horse. What happens to the role of Senators in the future is a matter for the Assembly of the day. Certainly we do not seek to devalue the role of Senator at all. I would also just like to echo the words that in fact Deputy Southern said when he spoke just before about the analysis of the results of the MORI poll. As I mentioned, they can be interpreted in different ways. We all know the "lies, damn lies and statistics" phrase, but there is a clear message in the MORI poll. That is that 71 per cent of respondents said that there should be a general election for all States Members on the same day. By far and away the clearest message that came out of that MORI poll, and also quite significantly, that showed a marked increase in support for the single election day over the previous reports done, I think it was, in the year 2000. There was a marked shift towards that being the prime request. The Deputy himself, when he proposed his amendments said we ought to be not voting against the wishes of the people. He is absolutely right. That is precisely why we should not be going for the Deputy's amendment. Another Member has mentioned this continual cycle of by-elections that could arise. We do know that the public of this Island does not seem to value electing a Member to office who is already in office. We have seen that in a couple of elections. So, I think really for clarity what people are wanting is to avoid any such ... trying to come in a year later and if you are not successful trying again. They want people to stand on their issues, stand on their manifestos and all seek election at the same time and find favour or not find favour as the public dictate. One thing that does concern me that has not come out yet in the Deputy's proposals... I would be interested to see what he says. If a Member was elected in the fourth year of a cycle, which would be a Senatorial position, but really wanted ... and then they caused a by-election by their election, if they were already a sitting Constable or Deputy. The person who filled their role in the by-election would be standing for a term of office of only one year. I wonder what Members think would be the achievable result that they could have in one year. We have already seen by-elections of 18 months provide only a foot-finding pause for Members. There is no talk of the amount of continued induction that would be required by the staff who support all new Members in a fantastic way when we have the elections. That would be an ongoing procedure. Perhaps the most concerning thing is the workability of what contributions you make. What position you can find. We are looking at a time now when Constables, for the first time really, (most of us were elected at the same time, not all, but next time that will be) found their opportunity to take on responsible roles within the machinery of government, because we were here at the time when the posts were being given out. What we have been looking forward to as a committee is the time when all Members will have a chance to stand for the positions where they feel they can do the best justice to their talents and to serve the Island, which is what really, as Senator Le Gresley has said, this is all about. The Deputy said if a Deputy has a Ministerial position perhaps of responsibility and wants to go out to the people and say: "I am doing a good job. I know I am doing a good job. Endorse me by giving me a Senatorial position." It may well be that there are other candidates in that election who are quite deserving and the people of this Island, as I have said, quite often will say: "Why should I waste one of my votes on that person? He is admirable, but he is already in the Assembly." Then if that person is not returned, but the Chief Minister of the time ... I mean if I was Chief Minister - and I have no desire ever to be that, I am sure to the relief of 52 Members of this Assembly - but if I was and I considered that the Deputy of St. John, for example, was the best Minister for Planning and Environment that this Assembly had ever seen, simply because he had not been elected as Senator, would I really want to jeopardise him working in that role when I thought he was doing a stunning job? I do not think so. I think really the amendment for all those reasons and more, as amply said, does not do justice to what the people of the Island want and to what the Assembly needs. So I will not be supporting it.

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

Does any other Member wish to speak? If not, then I call upon the Deputy of St. Mary to reply.

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

I will simply address the various comments. The first and most commonly made was that it is too difficult. We heard this from Deputy Le Hérisier, who I am sure understands the proposal perfectly well, and it is not beyond the wit of anyone. I explained it in a television interview just now in about 2 sentences. So it is not difficult. There is an election for 41 Members of the States, all the Deputies and the Constables, in 2005 and every 4 years after that. There is an election for 4 Senators in every other year. It is not difficult. It is not rocket science and anyone can understand it. So, I really do find ... although it makes for good jokes, of course. As we have from Deputy Pitman as well, but is complete nonsense. The idea that the electorate cannot understand it is an insult to them. Yes, the comment of Senator Le Gresley, I think that does ignore the reality, saying that if someone was already in the States they would stand as Senator. The fact is they would not, if the election was on the same day. They would stay put in their own constituency and greet the accumulated benefits of their work there. I do not think they are going to take the risk. I just do not think that is true at all. The idea of Deputy Tadier as a Constable is fascinating. But in fact the scenario outlined there by Senator Le Gresley can happen now. A Deputy can become a Constable and then occasion a by-election for Deputy. That could happen now, I think. It is complicated, but I think it could. Deputy Southern was interesting, because although he seconded it and then declares he is going to go against it, in fact his speech was in favour of the amendment, which is quite nice really. He is not here to hear why his speech was in favour. The first thing he pointed out was that it is workable. As I have said, it is simple as well. So, not difficult; workable, possible - that is a complete red herring. The other thing that he pointed out was that no one explained to the respondents to the MORI poll, who were randomly selected, that if there were 3 different types of Member then you could not have a general election. Now, that is interesting because I think that is probably true. I do not think you can have a general election for the very simple reason that there will be a very limited field for Senators. Although the whole idea is that Senator is the senior position. So there is a kind of nonsense there which can only be solved by having the Senatorial elections on a different year. P.P.C.'s solution is to have the whole lot in one year, when we get there in 2019, with this mega election with 8 Senators being elected all at once. I agree that all these proposals are sow's ears or dog's dinners - although we are not going to talk about dogs later - it is going to be a dog's dinner if you vote for any which way, as the Senator pointed out. We already have a dog's dinner.

[14:45]

I would suggest that the only way to sort this out is to have a review, driven from outside, so that we do not have all this politics about: "Well, if we do this then such and such and so and so will not get elected, but I want so and so to be elected" and all these complications. We have to have a root and branch solution in the end. I do support people here who have said: "Why did we not go for Clothier?" or: "Why did we not go for a root and branch?" But there are issues within that, like if you do have a single Member are they multi-Member, constituency Members or Members for Parishes? So there are issues that would have to be resolved. It has to be done from the beginning. Again, I am afraid, to get the respect and support of this House and of the public. Turnout: Deputy Le Hérisier asked whether there were comparative figures of whether you have different kinds of cycles of elections, whether that affects the turnout. I looked at the Electoral Commission's website. They have done research on turnout. Turnout varies with social class, education, gender, ethnicity, age and area, as one might expect. More affluent older people tend to vote more, which is what you would expect. But nowhere in their document - in their fact sheet - do they mention different electoral cycles. They mention lots of other factors, like the quality of the candidates and the choice and the interest in the campaign and so on. Whether the parties are seen as being distinctive, awareness and information, but there is just no evidence. So I think that is a bit of a red herring. Although whether P.P.C. have read those comments I do not know. Yes, the final speech from the proposer of the original proposition from the Constable of St. Mary, minor and major. Well, they are minor and major, because one election is for 4 and the other election is for 41, with



elections every 4 years. So, I put “major” and “minor” in quotes and it does not say anything about the relative importance of the role. The clear message is 71 per cent in 2006 wanted a general election on the same day and 78 per cent - whatever the good Deputy Southern says - want one way or another an Island-wide mandate. If you look at the 2007 poll, where MORI went to the Islanders - again randomly selected - and said: “Which of these scenarios would you like? Would you like to have 30 Island-wide in one general election?” The mind completely boggles at even suggesting that you can vote for that. But they suggested 5 scenarios and got people to vote. The top 3 all had the Senatorial mandate in them. Again, there is an indicator, even though the poll was fraught with difficulties, unlike the 2006 one. The term of office of one year, if someone was stepped up to Senator the year before the bigger election, yes they would stand and get in for the year, but that would put them in poll position for the subsequent election, clearly. So, it is not a question of it not being worth it. It is a question that it would be an election as important as the following one. I think that is all. As I said in my opening remarks, I do think this is important. I will go to the vote on it, because then the public will see who wants the 12 Senators still. The only way it can be done, because we cannot have 12 Senators or 8 Senators or possibly even 6, with a general election. I am not sure that that makes any sense. It would devalue the role of Senator. This is the only way to preserve the Island-wide mandate until we have a complete review. With that, I urge Members to support the amendment, with not much hope.

### **The Deputy Bailiff:**

The appel is called for. I ask Members who are not in their seats to return to their seats and will ask the Greffier to open the voting on the amendment proposed by the Deputy of St. Mary.

<b>POUR: 3</b>		<b>CONTRE: 43</b>		<b>ABSTAIN: 0</b>
Senator S.C. Ferguson		Senator T.A. Le Sueur		
Connétable of St. Helier		Senator P.F. Routier		
Deputy of St. Mary		Senator T.J. Le Main		
		Senator B.E. Shenton		
		Senator J.L. Perchard		
		Senator A. Breckon		
		Senator A.J.H. Maclean		
		Senator B.I. Le Marquand		
		Senator F.du H. Le Gresley		
		Connétable of Trinity		
		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. John		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisier (S)		
		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		

	Deputy S. Pitman (H)		
	Deputy K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		
	Deputy of St. John		
	Deputy M. Tadier (B)		
	Deputy A.E. Jeune (B)		
	Deputy T.M. Pitman (H)		
	Deputy A.T. Dupré (C)		
	Deputy E.J. Noel (L)		
	Deputy T.A. Vallois (S)		
	Deputy M.R. Higgins (H)		
	Deputy D.J. De Sousa (H)		
	Deputy J.M. Maçon (S)		

### **3.3. Composition of the States: Spring election and move to 4-year term of office (P.118/2010) – amendment (P.118/2010 Amd.)**

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

We now come to the amendment of Deputy Trevor Pitman and I will ask the Greffier to read it out.

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

Page 2, paragraph (c), for the words “should be reduced from 12 to 8” substitute the words “should be reduced from 12 to 6”; for the words “4 Senators” when they appear in sub-paragraphs (i), (ii) and (iii), substitute the words “3 Senators”; for the words “53 to 51” in sub-paragraph (i), substitute the words “53 to 50”; for the words “51 to 49” in sub-paragraph (ii), substitute the words “50 to 47”; for the words “8 Senators” in sub-paragraph (iv), substitute the words “6 Senators”.

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

I look forward to some jokes at my expense from the Deputy of St. Mary, in due course. Having stated on the Senatorial hustings that I supported both the reduction into a 4-year term and a reduction in the number of Senators, I feel quite happy in bringing this forward, because I am being consistent. I have already tried once, when we were discussing a one-type of Member Assembly, to reduce by 6. There we go. I would point out that people have probably forgotten what the Chairman of P.P.C. said by now, but I am obviously largely in agreement with her committee. It is just this slight difference in the numbers that I am not agreeing with. I do broadly support what they are trying to do. Which number Members find appropriate, if any, is up to them. The fact is, as most Members will no doubt attest, we all speak to members of the public who want to retain their Constables, they want to retain their Deputies and they also want to retain the Senators. Yet, they also tell us, do they not, that they want to cut in numbers in a change. So that is a slight dilemma. Thus there are a good number, both within and without the Chamber, who believe that ultimately Government would be far better served by a one-type of Member Assembly. I am probably still one of those myself. So long as we choose to retain the traditional system in place now, the Parish system, and indeed wish to have a comparatively equitable representation across the Island, I do not believe we can ignore the following facts. We cannot make reductions by telling, for example, 10 Parishes that they can keep their Constable, but 2 cannot. If we wish to maintain Deputy representation then would St. Helier, as one example, already under-represented by 3, when you look at the figures for the population, at least 3 other Parishes, St. Clement, Grouville and St. Brelade, being under-represented to a lesser number. We cannot keep the Parish system and reduce the number of Deputies. I repeat, we cannot reduce the number of Deputies unless we want to take Deputies out from the smaller country Parishes. That is a fact that, as I recall, was also noted by Clothier. So, like P.P.C. the conclusion must surely be that if we do wish to make savings by a reduction in the number of States Members, the only room for manoeuvre is in a reduction of the number of Senators. A reduction that will crucially still maintain the opportunity of an Island-wide mandate, but would over a staggered period, as with P.P.C., remove a

number that I believe certainly can no longer be justified. Indeed, when I first became interested in politics, a very long time ago - I am surprised I am still interested, to be honest - it seemed that having the Island-wide mandate did have a very strong link with achieving what were the senior positions. As P.P.C. also highlighted when the Chairman spoke, under Ministerial government - particularly this second Ministerial government - this has been eroded until only 5 now of the 12 hold the position of Minister. There are only 5 Ministers out of 12 Senators. **[Aside]** Keep up, Deputy. Put in a nutshell, certainly going by many members of the public I speak to, the case for retaining an Island-wide mandate is very much a sustainable one. However, my contention is that the case for there needing to be 12 simply no longer exists. Maybe it never existed. A reduction over 2 elections will reduce that number to 6. It will also save approximately £270,000. If we are serious about saving money in this manner then I think this is surely the way to go. The reduction I suggest will crucially also not have a negative impact on government. Even if we fail to do the logical thing, I think, and support Senator Breckon's excellent P.120 on the machinery of government, as it will ensure the so-called Troy Rule will still function. So to conclude, I honestly believe that the public are sick of reform debates, but only, in my opinion, because time and time again we never manage to reform anything truly meaningful. Yes, we have moved to what is a fudge general election. It is not the true one, because we do not have that one Member type government as in the U.K., for example. There is, I believe, a clear case for a reduction in the number of Senators, as P.P.C. have suggested, removing this by 4. I do not think they have justified why they have come to that number. For me, I have set on 6, because I believe that is the number that is now unnecessary to allow government to continue, even if we keep on with Scrutiny and the Executive. As I say, it is up to Members to decide which they believe. They may not believe either is the appropriate way forward. I genuinely think though that if we do not take either mine or P.P.C.'s initiative, then we have reached the point where we are never going to reform the States at all. If that is what people want, then I guess fair enough, but the people I speak to do want reform. Unfortunately they leave us with the difficult task of finding a workable reform that enough of us can agree on. I know that recently we had proposals put before us which would seek to bring about a reduction in States Members by, in my view, stealth, by reducing the pot financially. That should not be supported by anyone who really understands the democratic process. If we are going to make any cuts, then it has to be done up front and in a transparent manner where we know what we are reducing; 6 Members being removed. It is not a personal thing, as I say. I do not believe with a Parish system we can do it with the Constables. We cannot do it with Deputies. The way Ministerial government has evolved there is no longer a case for 12 Senators, thus my proposition. Removing 6 will be very manageable. We elect 6 Senators now, when we have elections. There will be no more confusion than there is otherwise. With that, I make the amendment and hope people will vote for it.

**The Deputy Bailiff:**

The amendment is proposed. Is it seconded? **[Seconded]**

**Deputy M. Tadier:**

Can I ask something under Standing Order 106 about declaration of interest? Clearly it is something which does affect the Senators and if it is deemed that is a direct interest, I would ask for it to be lifted so that they can obviously participate in the debate. If we could have a ruling, that would be handy.

**The Deputy Bailiff:**

The ruling is that there is no direct financial interest. That is so because the amendments and the proposition do not take away the existing entitlement which Senators have. Whether they are returned or not will depend upon the electorate. So there is no direct interest. Does any Member wish to speak on Deputy Trevor Pitman's amendment?

**3.3.2 Deputy A.E. Jeune of St. Brelade:**

I simply stand to say I fully support this amendment. I myself brought a proposition, Members may recall, to reduce the Senatorial seats by 6. I do believe we have to make a cut somewhere. While I support what P.P.C. are saying and they were doing it by 4, I will be supporting Deputy Pitman's amendment. Thank you, Sir.

[15:00]

### **3.3.3 Deputy J.M. Maçon:**

If I may, I think the Deputy might have made a slight mistake in what she said, in that I believe her amendment was simply to reduce the number of States Members by 6, she did not point out which category of Member that would apply to but I think the Member will agree that that was the case and I think that was the problem why perhaps that amendment was not adopted because it was so wide-ranging as to what it would apply to.

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

Very briefly, as Deputy Trevor Pitman knows, the committee itself is not making any view on this. It is a purely political decision on how you want to play this. I would just simply say, as I mentioned in my speech, that nothing that P.P.C. substantive proposition sets out in its timetable ... there is nothing there that cannot be varied by a future decision. So it may well be that this amendment is either carried today or it falls but either way, the position will be up for continual review if the Members do decide to adopt it at the time. Speaking as a private Member, not as the Chairman of P.P.C., I am naturally quite a cautious person and maybe that is some of what came over in committee discussions and why we set it at 4 Members. We are, later on this sitting, going to hopefully debate, and I sincerely hope approve, wide-ranging changes to the machinery of government. It may well be that as that beds-in, there may be scope for further cuts one way or the other so it really is entirely in the hands of Members but whatever happens, I think the main proposition is the important one and I welcome Deputy Pitman's general support.

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

I suppose I have been prodded to speak, particularly by Deputy Jeune's intervention, but also obviously by the proposer. It really is not about saving £270,000 and it cannot be about that. Whatever else it is about, that is not what it is about. It is about how we represent the people of the Island and how we get value out of £600 million of net revenue expenditure a year. I would just remind Members when they think about that £270,000 saving. Let us double it. Let us go down to no Senators and save a bit more. I would just remind Members that one bad decision, £600,000, serious case review, £1.5 million, £8 million, £100 million. What have we just voted on? A body that is in charge of £88 million worth of assets. I am sorry; there are some things that are more important than money and one of them is how people are represented in this Island.

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

I think I could claim to be a veteran of Clothier along with Deputy Le Hérissier and Senator Breckon. Any number of propositions have come through. Each one has failed. However, this is probably one of the closest we are going to get to getting to Clothier's 42 States Members. I am quite happy to support Deputy Pitman for 6, as indeed I will be quite happy if that does not succeed. I will be supporting P.P.C. but basically on the premise really we are reducing the number. I am sorry it has to be Senators. Had we agreed with Clothier, we would have had this debate because we already would have agreed that we would have reduced our numbers to 42 with one single-type Member. So I think it is a double victory. If we do not succeed with Deputy Pitman, which I hope we do, I will certainly be giving my support to P.P.C. but I think we are heading in the right direction.

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

During the discussion - I am a member of P.P.C. - obviously numbers were discussed and so was this question about reducing the cost. The cost is always a factor in terms of discussion but it is not a factor when it comes to the welfare in the role or in the States. One of the things that was discussed is that if one does things by stages, you are more likely to be recalled than if you make a sudden decision to go, in effect, that turned out to be too far or too fast. Then you end up with problems which you cannot reverse back. P.P.C. collectively made a decision that the proposition is outlined in the main proposition but although individuals in the P.P.C. might very well have accepted the amendment as proposed by Deputy Pitman at this time collectively, we are erring on the side of caution but we are not against the principle that has been laid down. But this is to ensure that when we hopefully go for Senator Breckon's proposition that we are not going to be curtailed, that we wished we had not just saved a couple of Members at this moment in time although it turns out that you do not need them later on. The future States can make that decision if they so wish.

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

I will be brief as well and just say we have a very diverse committee and the Chairman has already said it is really political. I have read, I have thought, and I look forward to the debate on Senator Breckon's and I think that will alleviate a lot of fears that the Deputy of St. Mary has where hopefully everybody will have a much more inclusive role in the Government. Now, can that be done with less people? I am assured it can. Absolutely holding people to account for their parts of responsibility? I will work to make sure that that is exactly what it will mean. As I say, we made no particular comment so I just thought I would like to say I am of the opinion that it is not about money. I think the Deputy of St. Mary unwittingly absolutely convinced me. Even when we get to the end and we are all elected on the same day, I think 8 Senators would be slightly unmanageable. I do not think they are needed with other things that are going on so I will support Deputy Pitman to reduce it down to 3 this time, only electing 3 and cut that extra one post until we see where we go.

### **3.3.9 Deputy G.P. Southern:**

Briefly, Clothier recommended the removal of the position of Senator and the removing of the *ex officio* standing of the Constables in the States. This is one step along the path to removing Senators. I believe eventually this will end up with the demise of Senators sooner or later. I look forward to that day and I look forward to the day when we remove equally the *ex officio* status of the Constables so I will be supporting this proposition.

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

As usual, a lot gets said and in these last couple of moments, a lot is not being said by Members who have really sat through a number of reform debates. Senator Le Gresley, being the newest elected Member to the Assembly, has demonstrated what can be done in a very short period of time so I would like to scotch that argument about not being able to do much in a short period of time. If you are focused and you are experienced and you do your research and you understand the issues and you bring them to the Assembly, as Senator Le Gresley has done, then you are likely to achieve a great deal. I am going to support this and the reason why I am going to is because we are being asked whether or not we can do more with less when, in actual fact, if we go ahead to approve the proposition by Senator Breckon, we will probably be doing a lot of the same with more people. Boards will give Members, and if it is approved with my amendments, and if it is carried through, Members will be assigned responsibilities. It really is a slap in the face for the public if we are asking them and States employees to do with less and pay more, and we are telling them that we have got this great big huge deficit, that we cannot even tackle the fact that we are overburdened in this Assembly. I think it is a slow move in the right direction but it demonstrates, which I have always said, that we could do with less Members. Unfortunately I have been calling for - and it has not happened and I wish P.P.C. would have commissioned it - an Electoral Commission to come in and do a review of the actual representation within the Island and looking at the boundaries, which

has been mentioned in numerous debates. If you go back to Kilbrandon... and it is a shame Deputy Le Hérissier is not here, apart from himself and yourself, Sir, I surmise not many Members know the topic as well as those and Her Majesty's Attorney General ... but I know that at that time, having read the document, that they found the representation in the urban Parishes was under what it should be and there was an over-provision within the rural community, but they negated the suggestion to change any of that, and I have made this point before because they recognised the importance of Jersey's heritage in relation to the countryside. I just think as we move further and further forward into the future, there are just less and less and less farmers running this Island, and I think there are more and more people looking at more and more taxes, less and less services and being told on the radio that it is going to have to prepare itself for another £35 million of increases while we cut back another £15 million in services. If we cannot demonstrate that we can do the same with more, how can we ask the public to do more with less?

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

I am ambivalent to this particular amendment. I am slightly less ambivalent to the P.P.C. one. I think we do need to, as I have said before, go in a direction of one States Member only. I know that view is not held by everybody. My concern is really a pragmatic one about what does it mean? What is the difference between having 4 Senators up for election in 2011 and then in 2014 and what is the difference between having 3 spaces up in those 2 elections? I suspect if you are looking at it from a point of view where you want to encourage electoral turnout - as I do, and I know many Members also do - you have to ask the question, which election is more likely to engender the most amount of interest. Is it going to be an election for 3 Senators or is it going to be an election for 4 Senators? Now, on that basis, I have to go with the 4 and now there is an argument - of course it is a more general argument - that the 12 Senators is an arbitrary number and it is. We know that historically. There was a reason for that because when we got rid of the Jurats, they were replaced by Senators and that is because there were 12 Jurats, there were 12 Senators but there is no logical reason as to why there should be 12. So there is nothing sacrosanct about that number 12 in that sense. There is obviously a logic for having 12 Constables because there were 12 Parishes. I think if you are looking at an interest from the public, a higher number at this stage, 4, is better than 3. Also I think we are disenfranchising the members of the public who vote by any kind of cut. We are taking their choice down at the moment if we go to 4. We are taking it down from 6 to 4 and that may be argued that it is proportional, it is an incremental decrease, which is maybe sensible if the long-term step is to decrease Senators or to get rid of them entirely. My concern is that maybe 3 of the 6 or 6 out of the 12 is a little bit too much too fast. But the real issue I have with this whole debate, and not simply with this amendment, is just the fact that it is so unsatisfactory. There is this idea that a decrease in States Members is necessarily good and even if that is the case, even if it is taken to be true that the Assembly is too large in relation to the size of the Island, the thing is it is completely arbitrary. Why are we cutting 6 Senators? Now, I am not a Senator but I could imagine that if the Senators are going to speak in this - but they may not; they may choose to boycott the debate and that may be their tactic - but certainly, if I was a Senator, I would not be happy with that and as a Deputy who is fair-minded, I have to say that if somebody were coming here and saying: "We are just going to chop off either a half or a third of all the Deputies' positions" I would have to say: "Well, I want to know a bit more evidence about that. I want to know how you worked that out", and I think that comes to the point that Deputy Le Claire has raised, that there has never been a Boundary Commission. I know it has been raised in the States before.

[15:15]

I remember in a previous debate of this nature, even Senator Ozouf said that he would be in favour of an Electoral Commission to determine the boundaries because that is really where the issue lies. Why do we still have one Deputy for St. Peter and one in Grouville and 2 in St. Lawrence when roughly they are probably about the same size in terms of population? It is these issues which need to be addressed first, because I think as long as we come with either incremental or wide-changing

reforms, if they do not reflect the inequities and the perceived injustices in the system ... another example, why can you vote for 4 Deputies in St. Helier 3 and 4 but you can only vote for one in St. Brelade 1 or in St. Ouen or in Trinity? You can vote for 2 in St. Brelade. The whole thing really is a nonsense and I think it is not so much whether a reduction comes from Senators. It is people saying: "Well, this simply is not fair." I will leave it at that because I think I am moving into the general debate there, but these are the issues which I think I am dealing with at the moment and struggling with so I am minded not to support this reduction here, possibly to support the reduction to 8 Senators over time, but really I think unless we are addressing the underlying issues about boundaries, about what our roles are and where Members are situated, I think we are not going to make any real progress.

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

I am not sure if I am the only Member who is getting slightly weary of all these debates on the number of Deputies, Senators or Constables we are having [**Approbation**] but apparently not. I was going to reserve my remarks for the main proposition but I am minded to speak now simply because I think we are addressing this, as Deputy Tadier was hinting, from the wrong end of the telescope. We seem to be saying that the most important thing to do is to reduce the number of States Members by some arbitrary number rather than deciding first of all what sort of representation the Island wants. It seems clear to me from the various public opinion polls that what the Island most wishes to retain is some form of Island-wide mandate. Now, it could be fulfilled by 6 people or 8 people or 12 people but I think for us to make a decision to suddenly jump from 12 to 6 simply in order to reduce the number is going from the wrong end of the problem. That is instead to say what does the public most want. If the public most wants Island-wide representation and we say to them: "We are going to cut off half of that" are we not telling the Island that we do not listen to them? So, for that reason, I do not intend to support this amendment.

### **The Deputy Bailiff:**

Does any other Member wish to speak? If not, then I call on Deputy Trevor Pitman to reply.

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

I thank all the Senators who did not contribute. I was disappointed that they did not. So let us run through. Deputy Jeune, I was very pleased, if a little surprised, to receive her support but I thank the Deputy for that. Deputy Maçon, I do not think he contributed to the debate. He just wished to correct Deputy Jeune so I will thank him for that as well. The Deputy of St. Mary said that it should not be about savings and he is right, of course. That is not the key issue. We should not be doing something just to save money and I have to agree with him. I would say that the fact is this is not an arbitrary figure as has been wrongly, I think, picked up by the Chief Minister. This is about removing a number that can still allow effective government to work. Staying with the Chief Minister a moment, he seems very worried about telling the public that we do not listen to them. Well, this was the same individual who said: "I do not care if we get 100,000 signatures against G.S.T., I am not going to listen" so it is amazing. A couple of years is a long time in politics, is it not? Deputy Fox supported the principle. He talked about perhaps caution being needed and I think he probably was leading us to the fact he is going to support P.P.C. which, of course, was also mentioned, caution being mentioned by the Chairman of P.P.C. She welcomed my support for their main thrust to their principles as I do hers. Deputy Martin said there is no need for 8 Senators and she would be supporting so I very much appreciate that. Deputy Southern reminded us of how Clothier recommended removing the role of Senators and reminded us that he is one of those who believes ultimately we should move to a one-type of Member Assembly, whatever that may be. I think he is probably right. Deputy Le Claire, I thought, talked very incisively about doing more with less. He commented that it was a slow move in the right direction in his view, and I particularly noted how he talked about the need for an Electoral Commission because I totally agree with him on that, to look at our boundaries. Supporting my amendment will obviously not in any way stop us doing that and I hope it is something we do do in the future. Deputy Tadier also

echoed that fact about the Electoral Commission and that was it. As I say, this is not about personalities. I think we all do, and I do it, we all do get hooked-up on personalities involved, whether it be Senator, Constable or Deputy. If we are serious about reducing our number, then I think 6 is the maximum that can be removed. It would not undermine Government if we ignore Senator Breckon's proposals and, indeed, to allay the fears of some people, if we are to support Senator Breckon, then it certainly will not impact negatively on what he is proposing in any way. Indeed, we may be able to get rid of a few more. That will be music to the ears of the public, I am sure. So we have had many debates on reform. I think this is a sensible, logical move. Perhaps it is a bridge too far for some and they want to go for P.P.C.'s. If that is the way Members feel, then so be it. I do support P.P.C.'s general thrust. The 4-year term for everyone is absolutely essential, I believe. I think there can be hardly anyone in this Assembly who does not agree that 6 years is too long. So with that, I make the amendment. I urge Members to vote for it; 6 is a magic number, it is not quite as good as 7 but it will do for me and I would say please support it and I call for the appel.

### **The Deputy Bailiff:**

The appel is called for and any Members not in their seats are invited to return there. Before I ask the Greffier to open the voting, in the light of the speeches which have been made so far, I think I ought, in fairness to every Member, to remind Members of Standing Order 89A. This Standing Order applies to any proposition to alter in any way the membership of the States and requires that if it is to be adopted, it must be decided by a majority of the elected Members of which the States are constituted. So there will need to be at least 27 Members voting in favour. I now therefore ask the Greffier to open the voting.

<b>POUR: 16</b>		<b>CONTRE: 30</b>		<b>ABSTAIN: 1</b>
Senator F.du H. Le Gresley		Senator T.A. Le Sueur		Connétable of St. Peter
Connétable of St. Helier		Senator P.F. Routier		
Connétable of St. Clement		Senator T.J. Le Main		
Deputy R.C. Duhamel (S)		Senator B.E. Shenton		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy J.A. Martin (H)		Senator A. Breckon		
Deputy G.P. Southern (H)		Senator S.C. Ferguson		
Deputy J.A. Hilton (H)		Senator A.J.H. Maclean		
Deputy P.V.F. Le Claire (H)		Senator B.I. Le Marquand		
Deputy K.C. Lewis (S)		Connétable of St. Ouen		
Deputy of St. John		Connétable of Trinity		
Deputy A.E. Jeune (B)		Connétable of Grouville		
Deputy T.M. Pitman (H)		Connétable of St. Brelade		
Deputy T.A. Vallois (S)		Connétable of St. John		
Deputy M.R. Higgins (H)		Connétable of St. Saviour		
Deputy D.J. De Sousa (H)		Connétable of St. Mary		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy I.J. Gorst (C)		
		Deputy M. Tadier (B)		
		Deputy of St. Mary		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy J.M. Maçon (S)		



**Senator A.J.H. Maclean:**

I am sorry, excuse me, Sir, I thought that the Connétable of St. Clement was read out but he is not here. [Aside]

**The Deputy Bailiff:**

He just left the Chamber.

**3.4 Composition of the States: Spring election and move to 4-year term of office (P.118/1010) - resumption**

**The Deputy Bailiff:**

We now return to the main proposition of the Privileges and Procedures Committee which is now open for debate. Does any Member wish to speak?

**3.4.1 Deputy R.G. Le Hérisssier:**

It was just to confirm what some Members have said, namely that why have we chosen to reduce the House by a reduction in one Member, and the general sort of implied view is well we cannot get anywhere by consensus in terms of a simplified reform proposal, which was essentially Clothier, so we have just got to nibble away at the margins in the hope that we can do it. But there is no doubt that what this proposition will do will be to get rid of the Senators because ultimately it will make their position untenable. Now, that may or may not be correct but it is part of the stupid *cul-de-sac* into which these reform debates end up that we do not end up discussing all the principles. We do not end up taking a coherent view and trying to square the circle and we try and deal with principles or issues that are in contradiction with each other and that simply do not in the round - to move to the circle - make sense. So I find it very difficult to deal with this, given that, as I said, in my view, it will ultimately lead to the demise or the removal of the Senators and we will not have had a proper up-front debate about what do we regard as a sensible, coherent, simple, straightforward membership basis for this House. For that reason, I will find it very hard to support.

**3.4.2 Deputy T.M. Pitman:**

Very quickly, just to say that I will be 100 per cent supporting P.P.C. Obviously the principles of what they are doing are almost entirely in line with my own. I do feel that it is overly cautious but maybe that is not a bad thing. I do find it is very disappointing for Deputy Le Hérisssier who is lauded as the great font of knowledge of reform and yet time and time again, he seems to find reasons for doing nothing. I do not mean that in a rude way. The Deputy of St. John said "sitting on the fence" but I think if we do not support P.P.C., really we are reaching the stage where we will never do anything. Obama made a big thing about his being a "can do" government and we seem to be a "cannot do" government. We always seem to look for the reasons why not. I think P.P.C. have brought proposals before. We were talking about earlier just disregarding what Scrutiny say. Well, it seems, again, there is a real risk. We entrust a committee, P.P.C. They are a mixed bunch I was going to say a motley bunch. [Aside] Perhaps I should have said motley bunch but they have managed to come up with these proposals. Everybody I speak to says a 4-year term is the right one. I think it was the Constable of St. Mary herself said a short term, 3 years, is not enough to do a job; 6 years is too long and I think the debate on 4-year terms has certainly been morally won 100 times. I would hope that Members can at least support that. The question has surely got to be why are we keeping Members, whoever they are, and this is not a personal thing, why are we keeping numbers in the States if we do not need them? If we do not need 12 Senators, which I believe we do not, and again that is not personal issue why, why, why are we going to vote against something? A reduction of 4 will allow this House to function perfectly well, certainly as well as it does now, whatever form of government we have, whether it is Executive and Scrutiny or whether it is Senator Breckon's proposals. So I would really request that Members give this real consideration and try not to think of Senators as individuals. They obviously all are. This is about removing the

one area at the moment, the 4 posts, that can be removed. It is that simple and I would say again I will support this 100 per cent and I applaud P.P.C. for bringing it.

#### **3.4.3 Deputy G.P. Southern:**

Again, briefly, I remember the first time that Clothier was proposed and we ended up with what I called the “diabolical coalition” of the Senators and the Constables going round to the Parish Halls whipping-up fear of this imported U.K. devilish sort of local government model that was going to ruin our traditions and our democracy and it worked, it worked. We did not go for the coherent whole package of Clothier and I just wonder if I stand here today and say: “Yes, Deputy Le Hérisier is absolutely correct when he says this marks the beginning of the demise of a position of Senator”, if I stand here and look smug and satisfied because that is exactly what it is going to do, whether the coalition will appear again and boot it out, but I will be supporting this.

[15:30]

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

There is a strong sense of imported ideas being superimposed on a Jersey heritage. Is this what we should be doing? Deputy Pitman mentioned the “can do” change of the Obama government. I do not think that is a frightfully good example judging by the polls. I think he has got the lowest approval rate of any American President any time [Aside] but 2nd November will obviously tell us the full story. But going on to a Spring election, yes, it is a fabulous idea but where are the plans for the collateral consequences? Our financial year runs January to December. If we start moving to a Spring election, we are going to be right in the middle of preparing the Business Plan. There has been no consideration or no comment on the financial year implications. Nothing is impossible but where are the plans? The Deputy of St. Mary has talked about, with the general elections, Deputies not daring to stand as Senators because of losing their seats. Is this what we really want, career politicians, which I do not approve of in the first place? I do not think anybody should come into politics as a career. It is an occupation but do we really want career politicians clinging to their seats? Is this the best thing for the Island? There is no safety net in life. There are times when you have got to take a risk to win or lose it all. This is how other mature democracies deal with things like that. If this is a problem for P.P.C., which I am not sure it is, I do wonder, looking at their proposals, whether they have not looked at other solutions. One of the ones being put round was Senators being elected by the States from a pool of Deputies who have given a clear intention to stand as a Senator prior to the election and that will get over the problem of clearing out the Senators. As other Members have said, the public want a combination of local Deputy, Island-wide election/Island-wide mandate and a general election and you cannot quite get the 3 together. I am fascinated as to how P.P.C. got to their numbers of Senators that there should be. They have not explained the rationale. As Deputy Tadier said, what is the evidence for the numbers they put forward? Please do not mention Clothier. Even one of the Clothier Panel, I understand, has been heard to wonder if they got it wrong. Clothier wanted something copying the Regional Assemblies being inflicted on the U.K. by the E.U. (European Union) as one would expect of a U.K. civil servant. I am sure he is a very worthy gentleman and highly intelligent but he spent his career in the U.K. Civil Service. There is another point. Under Senator Breckon’s proposition, there will be 10 Ministers and each Minister can have 3 to 5 ...

#### **Deputy R.G. Le Hérisier:**

Excuse me, Sir, on a correction, I do not think Cecil Clothier was a civil servant. He ended up as Chairman of the Police Complaints Authority, as I recall. He was never in the mainstream Civil Service, I do not think.

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

I could be corrected on that but I am inclined to ...

**The Deputy Bailiff:**

Please carry on, Senator.

**Senator S.C. Ferguson:**

Yes, I will. I will check it out and come back to the House. I do not think I am that wrong. Probably a little bit but ... possibly a little bit. But under Senator Breckon's proposition, we are going to have 10 Ministers and a possibility of 3 to 5 Ministerial assistants, boards, whatever. So maybe you have got about 40 Members on Ministerial boards, so that is 50. So you are going to have 3 Members left for P.A.C. and Scrutiny. Thank you. I have just had a note to say that he was a civil servant, Sir Cecil. Right, so are we going to have enough Members to do anything apart from being Ministerial assistants? Is this what we want and is this what the public wants? The Chairman of P.P.C. this morning in her opening speech equated greater responsibility with Senatorial rank and I got the implication that only Ministerial rank is one of responsibility. Now, she may wish to reply to this in her reply but does she not consider that Scrutiny is a responsible role? I think her comments denigrate those Senators who are involved with Scrutiny and the P.A.C. and I take exception to it. The checks and balances performed by Scrutiny are absolutely essential to proper accountability in this Assembly and to those who say Scrutiny is not working - and there are a few of those, I am sorry they are not all in the House at the moment - there is such a thing as personal responsibility to take into account and to get my Biblical allusion correct today, the beam in one's own eye should be dealt with before the mote in your neighbour's. I think that may have gone past ... **[Laughter] [Aside]**

**The Deputy Bailiff:**

It is the same as an old wine in new bottles.

**Senator S.C. Ferguson:**

Absolutely, Sir, and I thank you for the correction. There is also a perception that we are over-governed with one representative for 1,754 voters. Those who make comparisons with, say, the U.K. with 653 members of the House of Commons, lose sight of the fact that U.K. voters have a myriad of representatives which are not being taken into account. There are Regional Assemblies, which I understand may well be disappearing shortly, county councils, urban district councils, district councils and so on. Similarly, in the U.S., there is a federal government, a state government and the local representatives representing the municipalities. We do not have the same volume of representatives for the voters. We have elected Connétables who double for the municipality. That is very economical. You get 2 for the price of one and in my own Parish, you get 3 for the price of one. I have also heard an argument as to the role of politicians. We are here to represent the people, yes. We are not here to govern, and luminaries such as Thomas Jefferson and Edmund Burke warn against people who say they are here to serve the people. Finally: "If it ain't broke, don't fix it". There are more important matters to deal with; the economy, migration - all the other pressing policies that we need to deal with. When I speak to constituents around the Island, States reform is not at the head of the list. Things like tax and the possible rise in G.S.T. are far more important and we have got the debate following this on P.120, Senator Breckon's proposition. We cannot really start changing everything all at once. We have an almost general election next year. Let us see how this goes. My feeling is that we will get a much higher turnout because it is virtually a general election and I feel that that is how we should manage change. If States Members agree with Senator Breckon's proposal, then I suggest we deal with what feels like Groundhog Day quickly and get on to proposition 120, which should make for more effective government.

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

I mentioned something about being a veteran a little while ago but really we are going back again round in circles and listening to Senator Ferguson, I have got to say I have heard it all before. Let us do nothing. **[Approbation]** Let us stay as we are. Everything is fine. Well, again, with the greatest respect to the Senator, I would remind her that Sir Cecil Clothier involved himself with an

Island-wide consultation. A tremendous amount of work was put into it. There may well be things that he did not get right, but I think what he did get right and what most of the people think is that we do not need 53 people to govern the Island of Jersey. P.P.C., I think, are moving forward. I will tell Senator Breckon now that I will not be supporting much of what he is coming for because I think that again is a step back, but I have got to compliment P.P.C. They are coming forward with something and, unlike Deputy Le Hérissier, I have really got to realise that we are not going to get anywhere with going down the Clothier route other than going one step at a time being pragmatic, and I did support Deputy Le Fondré last year to get the one general election. It is one step at a time and, again, what P.P.C. are doing, they are moving forward one step at a time. There are 2 things which have got to be a plus. One is we are going to move away from that awful business of knocking on doors in November. That has got to be something, so I would hope that P.P.C. are going to split their proposition so at least even if it is only one step today, might not be 3, but it might be at least 2 steps because I think we have all got to agree, I would hope, to a 4-year term so we are all serving the same period of time. I would hope we will get those 2 forward and really, if we are looking forward again to reducing the numbers, I did say earlier that I did not mind really supporting Deputy Pitman in the first instance because I think that reducing by 6 I found quite acceptable. I will certainly definitely be supporting now P.P.C. on all 3 steps so I would ask Members to again listen to what I have said and hopefully I can persuade them to support what P.P.C. are saying.

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

I do concur with some of the speeches that it has been difficult to have these debates time and time again, but the reality is that people in Jersey have expressed concern for a number of years about the system of government that represents them. They do not like uncontested elections. They do not like Ministers that they cannot have a say in. They did not want the Ministerial system in the first instance. They want democratic representation and we are clinging to a system that is managing a portfolio that is theoretically as big as it used to be, crying difficulty over the fact it does not have as much money as it used to have to run that, and the only thing we are in danger of approving here, if we are not careful, is another year of our time in office which I think the public would find remarkable, that the only thing we can get out of this debate is a 4-year term. If it is not approved, the Chief Minister must surely encourage and work with P.P.C. in delivering an Electoral Commission and a Boundaries Commission to look at the issues of representation because the last thing people want, with the greatest of respect to the Minister for Education, Sport and Culture and to the Minister of Health and Social Services, are uncontested politicians running these types of ... [Aside] well, I do not know if the Minister for Education, Sport and Culture reads his emails. I am still waiting for my reply from 3 days ago but one of the emails I saw that was sent to him did say that they found it a shame that they were not able to vote for him because they would like to exercise the right not to. [Aside] Not in their Parish, no. But you know in my view, what is happening is that there is a feeling on behalf of the public that we are spending too much money governing ourselves with too many people and there has been some concern expressed by some Members that we will be left with not enough people to do the job.

[15:45]

Well, we need to merge some of the Ministries. Yes, the public want us to get on with tackling the economy and tackling the economy is about as much to do with reforming the States as it is to do with reforming the composition of the States Assembly. If we took, for example, Social Security - and I have said this a number of times - and merged Social Security between Treasury, the pensions issues, and Health and Social Services, we would marry-up and eliminate some of the duplication. We could even subsume Housing, as it is a social issue, and have a whole quandary of issues, 3 Ministries merged into one. We could take Home Affairs. Now they are going to have ambulance and firemen, we could have them in Social Services as well and the police maybe into the Chief Minister's Department. But we are not looking at doing anything like that. We are not looking at

doing anything about cutting down on Ministries. We still want the same amount of power at the cocktail circuit but we do not want to be able to reduce the costs of running the States for the taxpayer. If we want to do something about the economy, we need to diversify as much as possible as quickly as possible. We need to continue wholeheartedly to support the finance industry. We need to cut the number of States Members. We need to cut our salaries and give ourselves real incentives to be in here to do this work and real recognition of what we do, even if it is at a lesser salary and we need to think outside the box. How difficult is it going to be for us to realise change is necessary? Nothing can stay the same. There are certainly enough States Members if we reduce the Ministries, which is something we should be doing. "The economy, the economy. I am not concentrating on anything else but the economy, the economy. I am not concentrating on anything else but" ... or talking about it anyway, talking about it and doing practically little else. What we need to do is we need to look at the States, we need to look at the numbers of departments. We need to look at the Human Resources Officers in those departments, the Treasury Officers in those departments and we need to see where there is triplication, duplication, and we need to see whether or not those Ministries are performing the same sorts of functions, disconnected at the moment, that might not be better done if they were merged. Then we would not need to find the kind of money that we need for all of these Chief Officers and all of these secretaries and all of these desks. We need to start to think about downsizing the States as a whole, including the Assembly, and we need to start getting out of things ... I will give one stupid, extreme example such as green waste recycling: £750,000 a year to recycle twigs, to sell them for £50,000 and not charge the gardening companies a single penny for us performing that function. It is something government should not even be involved in. There are hundreds of millions of pounds of savings available and this is why I get upset. Yesterday I explained to the Chief Minister I was unable to attend the C.S.R. (Comprehensive Spending Review) because I threw my back out, I could not get up. I was seriously not well. He thanked me. I thanked him for the information. He asked me for my suggestions for the first time. I sent my suggestions to him in writing and for the first time since I have been in the States, I got a positive response from somebody who is in a position to do something about it and I nearly fell over because even if ... [Aside] yes, not because of my back but even if it was just because of the fact that even if none of them were acceptable, even if none of my ideas were any good, the fact that they were recognised, the fact that he recognised I was trying. Maybe some Members think I am too trying or very trying but I would put to Members that we can do far better with the numbers we have got if we put them to better work. We need to reduce the Ministries. We need to stop presenting the huge tax bill that we present to the public of Jersey to pay every year and the only way we can do that is by downsizing. It is the only possible way we can deliver this. That is it, I think.

#### **3.4.7 Senator F. du H. Le Gresley:**

I was the only turkey who voted for the previous amendment and I will probably be the only turkey who votes for this one as well. The reason that I am voting for these things is because I think the term of office of a Senator is too long at 6 years. I think that the electorate ought to have the opportunity to challenge the record of a States Member every 4 years at a minimum, and I think 6 years is far too long and that is really why I am supporting these amendments. I have a problem with the actual way that this is proposed in the proposition with regard to the period of office of those whose term expires in 2011. I would have hoped that we could have brought their term of office to an end sooner so that we could have had a proper general election in May 2015. The proposition suggests that this was considered but rejected as a 6-month term would be simply too short. I regret that that is in there because if we are going to go for a general election with all Members up for election, I would have thought we could have achieved it sooner and that the opportunity is being lost there. Despite that, I will be supporting the proposition.

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

I must say I think Deputy Le Hérisier opened this section of the debate and he was right. It is a dog's dinner or breakfast, I am not sure which, but whichever way you vote - on paragraph (b) that is - whether you vote for the 12 or vote for the 8, or even for (a), paragraph (a), what you are going to get is the end of the Senators. That is for sure and because they are being elected at the same time as the Deputies and Constables, in the end you will have either ancient Senators standing again, or young ancient Senators, standing again or newcomers, and you will not get any form of progression in the States. That brings me really to the point that I am surprised that Deputy Pitman wants to go from 12 to 6, but I can understand P.P.C. wanting to go from 12 to 8 and it was the same with P.72 last year. The whole starting point of the reform as presented in P.72 was not the underlying principles, and Deputy Le Hérisier mentioned that. If we are to have a review, you start with the underlying principles which are pretty clear: proportionality, representation and involvement. If you start from the underlying principles, you do not end up here; you end up in a different place. But their P.72 ignored that and the starting point was, if you read it very carefully and go back and understand why they are writing things the way they did, that the Constables have to be in the States. That was the starting point. As I say, I can justify that but it would take a long time and I will not do it, but that is the case. So the Senators were the ones that it was ... how to adjust things around that given, which was the slightly non-evidenced starting point, which is the Constables deserve to be here. But that is odd because this proposal, which would reduce the number of Senators by 4, increases the power of the Constables. Obviously if you do the maths, it increases the voting strength of the Constables in the States and nobody else has mentioned that so I thought it should be mentioned. That block of 12 votes - or not block, sometimes 2 or 3 vote the other way - that block of votes will increase in importance and I do not know if that is what we want, and I am certainly not sure if that is what the public wants and I would remind Members, even though I tend to get looked at for saying this, half the Constables did not face an election so you have 12 people half of whom did not face an election whose power will increase if we vote this through. So that is an unintended or intended consequence of this proposition. I think we should think about that as we vote. We should certainly be aware that that is what is going to happen if we vote for this. As I mentioned before, I do totally endorse the whole thing about the Electoral Commission. We have to sort this. We have to go back, I am afraid, to square one, but Clothier was quite a long time ago, and look at this from the beginning and get something that the public and the States can sign up to, something that looks at constituency boundaries, something that gets proportionality, something that gets those first principles in place and then we can not have these interminable debates about this because that is what has been missing. It has been an objective look starting from first principles and not from political considerations of who might get in, who might not, how is this going to pan out, which is not the way to do it. What matters is whether the public get good representation. Somebody, I think it was Deputy Pitman, said that things were perfectly good so we can cut a few Members and we do not need more Members. Well, I would suggest that things are not perfectly good. The satisfaction survey in 2008, which is in the States Performance Review, I think the figure of satisfaction - i.e. very satisfied or quite satisfied - is around 50 per cent and the dissatisfied obviously is around 50 per cent. That is not a very good rating, 50 per cent dissatisfied. If I was running my hire business on that, it would have ceased to exist. Nobody would have come to hire the bikes on a 50 per cent satisfaction rating. So we are not up to scratch but I do not agree that tinkering with the composition of the States one way or the other, 4 this, 2 that, will make a blind bit of difference because it is down to process; it is down to how we take decisions, which is what we will be talking about with the next proposition. In closing, I just want clarification from the proposer about paragraph (a) and paragraph (b). Now, my understanding is that in paragraph (a), if we vote for it, we are voting for the Spring election, which I am sure is the right thing. Regardless of what Senator Ferguson said, I am sure that Spring has advantages but it might be worth a closer running through that and in paragraph (a) also, whether that introduces the 4-year term of office for everybody. Those 2 things, I think, are clearly desirable. But my problem is if we vote for paragraph (a), have we voted for ... my understanding is that we have not voted for the change in number of Senators. That is all in paragraph (b). I just

want to be sure exactly what (a) and (b) say separately because it is a complex matter. I do want clarification from the proposer exactly what (a) and (b) are, whether they are both tied together in that way. So for goodness sake, let us have an Electoral Commission please.

**The Deputy Bailiff:**

Do you mean (a) and (c), Deputy, rather than (a) and (b)?

**The Deputy of St. Mary:**

Well, (c), as I understood it, was simply charging P.P.C. to bring in the necessary something or other.

**The Deputy Bailiff:**

No, (c) is the reduction, (a) and (b) seem to me not to deal with the reduction. Simply, if we are asking the Chairman to clarify the position, it ...

**The Deputy of St. Mary:**

The position with the different paragraphs, yes, sorry.

**3.4.9 Deputy J.B. Fox:**

I do not need to say I am a member of P.P.C. twice. A diverse committee, as has already been said by Deputy Judy Martin, but so is the States and so is the Island electorate, so I think that is a pretty wide thing. Yes, Clothier was about 10 years ago and he has been referred to as a civil servant but for those that were not in the States or were not active in the community, just a reminder that we had a very able and influential support body on the panel. Anne Perchard- the mother of our Senator Perchard - was one such person and John Henwood, David Le Quesne and if I have left anybody out, my apologies. **[Aside]** Colin Powell, yes, most important as well. As I said, very influential people on board. So the conclusions that were finally drawn-up by Sir Cecil Clothier and his team were based on local facts and knowledge and also a great deal of research, and it is a process that was put forward then and ever since then the States have managed over the years to piecemeal it and go slower and slower and slower. P.P.C. tried on previous P.P.C.s to bring it back together and I think in 2009, they said: "That is it; we have done our best and we cannot do any more", but this P.P.C. is giving it certainly one final shot before the elections in 2011 to move things forward hopefully.

[16:00]

Yes, it is in smaller bites than it was previously 10 years ago, but it seems that that is the only way that the States will bring anything forward. Deputy Le Claire said if only we achieved the 4-year term. I am sorry, Deputy, if you recall, that was brought up when the Constables were all going to be elected on one single day and the 4-year term was brought at the same time. It had to be rescinded because the other part of the equation, i.e., the Senators, could not fall into the election line which is the reason why the P.P.C., in simple terms, has brought this formula now. Yes, there are different ways that one can talk about it, from leaving it to the *status quo* to this, that and the other, but the essential thing is that there is a desire out there that we should slim ourselves down, that we should, as I have previously said, do it in such a way that we do not go too far and then regret it what we have done and want to bring back further changes. In stages maybe it is the only way forward. But to achieve that we need to look at the Senatorials because we cannot bring in the changes without looking at the Senatorial positions. This will probably be the last time to look at the significant change from 6 years, because 6 years is too long; down to 4 years but then 4 years can be brought in, Spring elections can be brought in, and the other little tweaking things that are concluded. No, it is not going to suit, and I think we would all agree with that but it is a way of making a way forward to at least progress, and over the centuries the States have progressed in quite a number of ways but we are still one of the most stable governments in the world, we still

live in one of the most precious and nice places to live in where people say “Good morning” to you. You do not walk around with the fear of crime. There is a lot to be said for it but we do have to move on. I am not going to say anymore because I am sure that my chairman is going to tidy up all the little bits and pieces that other people will say.

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

Senator Le Gresley is not correct in claiming to be the only metaphorical turkey who is willing to vote for a metaphorical Christmas on this occasion because I also am supporting the proposition although he is more meritorious than I because he is due for election next year and I only in 4 year’s time. During the 2008 Senatorial election, I formed the view that what the public of Jersey most wanted was a general election for all Members, and I mean all Members, on one day. I also formed the opinion that the preferred option was a 4-year term for all and that there was a preferred option of a reduction in the number of States Members. I therefore set out upon the basis that that is the objective that we, as the Members of this Assembly, should be seeking to achieve. Subsequent States debates have indicated very substantial support for the continuation of Senators and Connétables. However, at the same time it is clear that there are difficulties in 12 Senators being elected at the same time; there would be problems managing the hustings. It was difficult enough in 2008 with 21 candidates. Problems for electors faced with so many candidates to choose from. There might be a strong advantage having a surname beginning with A or B for that reason and other difficulties. So what are the possible solutions if we are looking to combine these 3 options together? Well, we have looked at trying to change the system in relation to Deputies and we have looked at super-constituencies and the House rejected that option. Other changes would require complex boundary changes and issues would arise whether every Parish would have their own Deputy, *et cetera*. That route, at the moment, I believe has been explored and it is closed to us. What about reducing the number of Connétables? Well, unless there are going to be mergers of Parishes together, which is most unlikely historically, that route is also closed and quite rightly closed in my view. So we come to changes in relation to Senators. Now, I am very supportive of the continuation of the role of Senators and I previously outlined my reasons for that and I will do so again briefly. There are a number of different reasons why it is very helpful to have a number of Members of this Assembly who have an Island-wide mandate. Firstly, because they have the support of an Island-wide mandate. Secondly, because they are not in danger, if they are in a particular Parish in relation to which they might have to make a hard decision, of being thrown out at the next election because they have upset the parishioners of that Parish although they have done the right thing by the Island as a whole. Thirdly, because they are, if they so wish, freed-up from representative work. Now, when I say “freed-up” I am not undervaluing in any way the representative work that many Members do on behalf of constituents. That is highly valuable work but it takes a great deal of time and the role of Minister, in particular the role of senior Scrutiny Chairman, someone else who will have a big role in the States, it is very important and to be done properly it takes a great deal of time. It is very difficult to do that simultaneously with having to be a Parish representative, and if you are not representative in your Parish, running the risk that the parishioners will kick you out at the next election because they think that you have forgotten about them. So there it is. There is an advantage in that; in people being freed-up to serve the entire Island in a central route in this kind of way. Of course, the public also like having Senators because it increases the number of people who they can vote for. Can we, therefore, produce the benefits which I outlined at the start, the (a) which I outlined at the start with a reduction of numbers? Can we, in particular, with a reduction to 8? Now, I believe that one of the reasons why the public like having Senators is because they feel that gives them more people that they can be involved in choosing. At the moment, they are involved in choosing 6 people every 3 years. This proposition has the effect of them choosing 8 people every 4 years, and mathematically that is exactly the same situation. Exactly the same ratio, exactly the same number of people as at present because of the system whereby at the moment they are only choosing half of the Senators at any given time. I have also considered, and in doing so risking the wrath of Senator Ferguson behind me, but I have



also considered the issue of the linkage of the role of Senator and the role of Minister, for the reasons I have said, this issue has been freed-up. It is quite interesting to see the way in which things have developed there. The first States Assembly which had Ministers had 9 out of 10 who were Senators. The present one started with 7 out of 10 and has now moved to 5 out of 10. I am not saying that being a Minister should be the exclusive role of Senators. I am most certainly not saying that. There are very, very capable people outside but I have personally found the advantages. I am freed-up to work entirely 100 per cent in relation to my work as Minister and member of the Council of Ministers. So we have to look at what sort of number of Senators is required to have enough people freed-up to perform these kinds of roles. My opinion was that the reduction to 6 as proposed by Deputy Trevor Pitman was too many and that is why I voted against that amendment. But I believe a reduction to a number of 8 is perfectly workable. It still leaves enough people for this particular purpose. I am not going to deal with the rest of the details of the proposition. They flow from the single decision to try and achieve all 3 of these objectives in one particular way. So to summarise, this particular turkey is willing to support this notwithstanding whatever happens to me at the election, if I am standing again, in 4 year's time because I believe this is the right thing. This is the right thing for the Island. This achieves what we should be attempting to achieve in one package and I can see no other way.

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

It is a pleasure to follow Senator Le Marquand because I was at least at 6 of the hustings in 2008 and he made the very point on the podium, and he even did say that he would be willing to curtail his 6 years to 4. I think out of the 21 candidates a lot did agree with that as well. I am not sure how many were elected but we are not proposing that today but at least he is sticking to his word. Again, and I will not accuse Deputy Le Hérissier of sitting on the fence, but I am in total confusion with his comments to: "Oh. Oh. Oh, I want Clothier." Clothier said: "Do away with Senators" and he seems to be finding some excuse, maybe. I am not sure what he said and whether he is going to vote for this proposition or not. Again, I think he probably left the choices open. Many people have mentioned again: "Let us go back to square one and let us have an Electoral Commission, set up the boundaries and, basically, anyway you like it, do nothing." I have to take an issue with Senator Ferguson when she says: "If it ain't broke, don't fix it." Well, obviously, I do not know who she speaks to or which paper she reads or which radio programme she listens to but the people out there are utterly frustrated with us. [Approbation] Senator Ferguson even went to the point of saying: "Even a Clothier person on the Clothier panel had doubts that it was right." I think the doubts they had were: "What did we do introducing Ministerial government before we sorted out the electoral reform of the States?" [Approbation] They are totally right because leave it to us ... please do not be convinced that another commission, another Clothier, anyone else out there, that it will not have to come back to this House and we have had ... I am on P.P.C. We, as Senator Le Marquand says, have tried to do this every which way. Supposedly, this is the nearest Clothier and the public want. We are doing away with no particular Member and I am, like Deputy Tadier, not hung up on what I am called. I am called a lot worse than Deputy, I can assure you. I am not hung up on the name. We provide here... and I can hear mumblings around, and what, I think, Deputy Fox picked up wrongly from Deputy Le Claire, was please do not vote just today for an extended everybody having a general election and for 4 years, because that will be everybody's nail in the coffin. They, out there, do not want us to be voting sitting here. You can do it the other way. We are piecemeal, we are giving them ... and it is piecemeal. It is the only way we can do it. We cannot ask people to leave their seats. We cannot extend people up. So it will take a few years but if we had started this when we had started Ministerial government, when we agreed to go to Ministerial in 2003, we would have been there by the next election. We would have been there. We have procrastinated we have heard, we will still hear today better ways to do this. Fifty three ways to skin a cat to get to where we were asked to be. I am not even sure the Chief Minister is supporting this. In fact, my chairman is agreeing with me. To me it is unbelievable. Unbelievable. We, as a committee ... I mean, it is hard work on that committee, I can assure you or anyone and

even Deputy Le Hérissier has worked on that committee and the frustration that you feel sometimes. You are damned if you do and damned if you do not. Just as Senator Ferguson mentioned that my chairman had not mentioned the monetary. This has been thought of. Budgets will be discussed by the new House. Yes, the Business Plan may have to be ... it, obviously, of course will be rearranged every year but it has not been forgotten and these are details that need to be worked out. The May election: well, just exactly one year today we will be having the next general election, 19th October next year. Just looking at the time now, looking at when I was up this morning and coming into work, coming along the Havre des Pas thinking: "This is me be knocking doors next year" and I am thinking I would rather have been doing this at least 3 months ago when it was nice and sunny and people would rather me there on their doorstep on a summer's evening when I can have a chat to them.

[16:15]

As I say, we really have gone as far as we can go. Deputy Fox has said it. This is the last chance. Of course, it does not help everybody. Even I cannot convince the Deputy of St. Mary who really believes, again, that it is back to front, we have picked an arbitrary number. We have started from square one. We have started from Clothier. We have started with a general election for everybody, not 4 and one ... 2 sets in one day, splitting the Senators and everything. Just to go back on one more thing, and I am not picking on Senator Ferguson. **[Laughter]** Senator Ferguson said that the chairman had, absolutely, in saying why we should do this, said that Senators now did not really hold as many roles as Ministers but we forgot to mention Scrutiny. I think that may be an oversight but we have spoken about Scrutiny. But it forms the Ministry, that is the Ministers, and then they elect Assistant Ministers and then Scrutiny comes along and she said that we, P.P.C. devalued ... it seemed that P.P.C. devalued Scrutiny. Well, I am sorry, if anything devalues Scrutiny it was the vote yesterday and today **[Approbation]** and I do not need ... they do not need no help. The absolute feeling that has been over the lunch hour from Scrutiny members to me is it is broke and it needs fixing. And that goes ... I do not really want to repeat myself. As I say, I go to elections next year in November. It is 3 years. Does it affect me, personally? No. It will be another year if it went to 4 years but I am very, very worried that we have people who might now just vote for part of this and not say that: "Well, you have just picked on the poor Senators." It is not about picking on them. Deputy Tadier said it: "Why have we 12?" Is it because there are 12 Parishes? No. Because Senator Le Marquand said it frees you up from your Parish work. You have your Connétable. You have your Deputy representative and we do a lot of that. I am not saying that Senators are absolutely ruled out of doing it, because they are not, but it does free you up and I think he made a valiant point about the Senatorial ... a valid point it may be. It might be valiant, but it was certainly valid, when he said that you are, in some cases, when you are a Deputy for an area and it is like the Deputy of St. Clement, there is housing being built, but you make the right decisions for the wrong reasons, and then you are not going to be elected but you have a great offer to offer the Island and you made that choice. Yes, you are going to have housing in St. Clement. The St. Clement's parishioners do not want it but you know the Island as a whole does. I seem to be picking on the Constable of St. Clement here but it is just a prime example that if you knew then ... you have done 2 or 3 terms, you can then go to the Senatorial and say to the rest of the Island: "I made that decision even though I knew it would be against what my Parish wanted." So as I say, it is obviously up to everybody. We have done our work at P.P.C. It is definitely broke. I definitely talk to people who want to see us all elected on one day and this will get there. It will not get there as quick as if we had started when we went to Ministerial government but we will get there eventually. Vote for nothing today and we will be discussing this in another 10 to 15 years' time.

#### **3.4.12 Senator A. Breckon:**

Just a few points. A single election day is, obviously, a positive move forward and I say that for a number of reasons and we are talking about the Spring here and, again, that I think is a positive move and something that the House should really consider because as anybody who has stood in a

Deputies' election will know, in October/November you are talking about it being dark at 4.00 p.m. or 4.30 p.m. and there are all sorts of gates and steps and dogs and all sorts. But the other thing is, you are going into people's homes when they have election fatigue, and I say that because what happens with the Senatorial, there is absolute saturation from the media, from leaflets, from inserts in the paper and when you go and knock on a door, the first reaction I had - and I should say I have stood in 7 Deputies elections: the first 2 I was not successful and then in the others I fortunately was - is: "Not you lot again?" As when I say: "It was not me, it was them." "No, you are all the same." So you have a negative to start with so at least if you can do it in daylight that is probably a help to that. [Laughter] The other thing is, there has been a thing about the number of Senators and how they got there and why they stood. So perhaps I should just relate my own experience, and before I say that, I should say that my Deputy is, at the moment, Deputy Jeune, so I would ask her to pay particular attention if she wants to get rid of all the Senators and all remain energised. It could well be an issue so I will ask her to be aware of that. Anyway, if you look at who has been sitting on these Senatorial benches and we have Senator Shenton who did not stand as a Deputy, neither did his father who was successful 5 times in the Senatorial, and then made a comeback after that. Also, Senator Cohen did not stand as a Deputy. Senator Perchard did not. Senator Le Marquand did not. Senator Le Gresley did not. Senator Kinnard did not. Senator Qu  r  e did not and there are probably others. They did that and stood as a Senator and were elected not because of anything they had done as a Deputy, they had done it because they were known in the community, they had done things in the community and they were accepted and voted in on some of those grounds. So I think there is a conflict and I would not necessarily see becoming a Senator a sort of promotion. Part of the reason I did is because I did not live in St. Saviour anymore so for me that was a problem because I was disenfranchised. As I say, I had been involved in the Parish. I signed the former Conn  table, Mr. Ozouf's nomination paper. I have signed Procureurs, I have proposed people - Honorary Police - I was involved with that, and I could not do that and for me that was a problem. People said: "Oh, well, you have done 15 years, it does not matter." But it mattered to me and I thought: "Well, if I still want to be a Member of the States, then what do I do?" When I decided to stand for Senator, if I did not get elected, and Senator Maclean said the same, and Senator Ozouf said the same, what we said was that if we did not get elected we would not stand again. That was it. The public had spoken and we had accepted that. I know that other people have done it a different way and there are people in this House now who have stood for Deputy, for Senator, for Deputy and some have been, literally, around the House. That is the system we have but do not forget we are moving away from that but then people in the Parishes have sometimes felt... Senator Le Marquand said: "As Senator, you are freed-up. You are freed-up from a constituency." Well, I would say that the Island is the constituency for a Senator. There are people in Grouville who will phone me up or send me a letter now as a Constable and as a Deputy. So you have that. So I am not necessarily freed-up because I am a Senator. The other thing that people do say and people used to say before when I lived in St. Saviour and stood in St. Saviour - I have never stood anywhere else in 7 elections: "I did vote for you" and they lived in St. Brelade. "How long have you lived there?" "Oh, I lived here 30 years." "Well, how did you do that then?" But now people phone me up and say: "Oh, I voted for you" and probably no more people have contacted me than voted for me. [Laughter] The first thing they say: "I did vote for you so you have to do something now." So there is a constituency out there. Now, whether they did or not ... some of them are not even on the electoral role because I have checked. Anyway, that is another story but where we have come to here is how we move on, and I think we can all appreciate that maybe we can manage with less Members. Somebody said to me - I do not know if I should share this with the House or not: "What would happen if you had empty seats here? Would you sort of reconfigure things?" Somebody suggested - I am not going to say who: "You could put dummies in the seats. Put dummies in the seats." [Laughter] I am not sure how that would go down but the other thing is, thinking of it the other way, if you think of when the House of Commons is on television and you see the green benches, there is nobody there. So supposing the media were in, or television, taking photos, and there are empty seats and they say: "Well, where are they?" So we are going to

have to come to some arrangement there. We are going to have to put “vacant” or something there because if the media come in and there are empty seats, I am not suggesting we do put dummies because that is probably inviting adverse comments. Anyway, with this, I do not have a problem with it at all. The other thing just before I close, I will just share this with Members. I hope Members realise that if we had had this for the last election, we would not have a Minister for Treasury and Resources. Now, that is a hard blow to take because we might not agree with him but he is grafting away and doing things and is a cause of, I do not know ... [Laughter] But again, you see we have somebody who is talented, able and able to contribute who we do not necessarily all agree with all the time, but he is well-up for the challenges that we have but then we would have deprived this House of that and that is where we are. So with us Members ... I do not have a problem supporting this but Members perhaps should be cautious of what we are doing and the public, in the MORI poll, did say that they would like to have an Island mandate because do not forget, in some Parishes there has not been a contested election for either Connétable or Deputy in some cases. That, you can say, is not the sitting Member’s fault because nobody challenged them but, there again, that is the system we have. Should we also be looking at that and so, well, if nobody votes for them, then we cannot give them anything to do. So there are issues there perhaps to be considered as well but, anyway, that is a list of things and that is my 2 pennyworth, but I do not have a problem supporting this. The other thing is, I can well understand ... the Minister for Treasury and Resources has just appeared right on cue as I was praising him. He probably heard it on the way in. P.P.C. are between a rock and a hard place. When they have tried to do an all-embracing thing, people say: “Oh, no that is far too much. I do not like that bit. I do not like that bit.” It has been voted down. Then when they bring pieces: “Oh, you cannot do it piecemeal. You must do the whole thing.” I think as Deputy Martin has pointed out there are some issues that P.P.C. have spent a lot of time and effort trying to do and when they come forward, it is easy to criticise but then, what is the alternative? The alternative might be a way down the road but we need to maybe take this step, see where that gets us and then look at it again, something for the next House, perhaps.

**3.4.13 Deputy A.T. Dupré of St. Clement:**

I totally agree with this proposition. It is what the Island has been asking for. The parishioners say we should have less people in the States and they want a one-day election and I fully endorse it.

**3.4.14 Senator T.A. Le Sueur:**

Firstly, a procedural point for you to consider. I am not sure if it is feasible to split part (a) from part (c) in this proposition.

**The Deputy Bailiff:**

I was going to ask of the chairman how she wished to tackle the voting but I have to say that I assumed that (a) and (b) ought to be taken together but she is nodding so she, obviously, seems to think the same. I must admit, I am not entirely sure, and I shall just say this now or I shall think about what effect that has on the Senatorial elections in 2014, because there is, according to (a), if approved, a single election day in 2015. So I am assuming that although paragraph (a) does not say so, the necessary transitional arrangements will have to do something in relation to a single election day in 2015 because it will not be the single election day.

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

That was not my speech but I begin by saying that at the time of the Clothier proposals, I was one of those on the Policy and Resources Committee at the time that did go around the Parish Halls talking to people in the Parishes about the proposals, and that was when we had the clear view that the public wanted to retain Constables in the States and they wanted to retain the Island-wide mandate. But I make no mention at this stage about numbers, but the Island-wide mandate was and is regarded as highly important. I say that because there are some, like Deputy Southern and others, who see this as marking the end of the line for Senators. He may or may not be right. I do

not know but it certainly will make it less attractive to be a Senator. I will deal firstly with the question of the number of Senators and, as I have said, I think we are looking at this from the wrong end of the telescope. I was prompted, when someone said that there would be a problem electing 12 Senators at the same time, can I remind Members, particularly those who were not around in 1948, that was done when the Senators first came into office. They were all elected on the same day, all 12 of them, for varying lengths of office as I recall.

[16:30]

I think the winning ones were in for 9 years, the next 4 were in for 6 years and then the last 4 only were in for 3 years and had to stand for re-election. So it is possible to have a 12-person election and, indeed, if my memory is right, it is a long time ago, the most successful ones stood for a 9-year period and Senators originally were for a 9-year period. Be that as it may, to suggest that we could not achieve an election for 12 people at the same time is not an indication of a “can-do” culture. Just as we can do the change, we can also do a 12-seat election. But there is one reason why I am a bit uneasy about this proposition. Another is the date of May elections, which sounds very laudable from the point of view of canvassing and getting an increased election turnout. But I do point out, and the report alludes to that, the difficulty that creates in relation to future States business because there is the question of the Business Plan and the budget to consider. The election in May and the appointment of Ministers in June gives the new Ministers roughly a month in order to produce and lodge their Business Plan for debate in September and the plan appreciates this and says even if much of the preparatory work had to be started by the old Council of Ministers and that absolutely threw ... the Business Plan work starts in January of the year, just as soon as the last budget is out of the way. So by May, the Business Plan is, effectively, done and dusted by the old Council of Ministers. So a new Minister comes in and has one month to try to consider what he would do with proposals that have had already 5 months’ gestation. That is quite difficult and I do not underestimate that. Nor do I underestimate the difficulty of that Council of Ministers trying to do the preparatory work for the Business Plan at the same time as preparing, perhaps, any of them for an election in the May. The States will not be sitting so that may be a little bit easier, but I do not underestimate the procedural difficulties this will take or the difficulty for the Minister being elected and then suddenly finding: “I am stuck proposing a Business Plan which is more or less mapped-out by my predecessor and I do not like it.” He does not have much time to change it and he has then to persuade his fellow Ministers that the Business Plan should be changed at short notice, and maybe with detrimental effects to the other Ministers as well. So it is not insurmountable, but I do say that it is not as simple as it sounds by a long straw. Now, other people have suggested the need for an Electoral Commission. That also could be argued as a reason for delay, but I do suggest if we are going to have an Electoral Commission at all, then Members need to decide that before they start going down this line otherwise you are going to have an Electoral Commission with one hand tied behind its back because we will be halfway down a process. So this is maybe, in some people’s minds, a step in the right direction. I think for other people, it is a feeling, well, a step has to be taken and this is the least unpalatable of all alternatives. I agree it is the least unpalatable of all the alternatives but to me that does not make it palatable enough to support.

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

First of all, I think it is important to acknowledge the work that P.P.C. has done on this. When I resigned from P.P.C. there were various reasons. One of them was probably a more general reason that I was getting frustrated about the lack of progress, which I thought was being made on reform and, at that time, I suspected that after the previous set of form debates had gone through we were not going to see anything come to the House, and nothing led by P.P.C. So I do have to give credit where credit is due. I know that is a diverse committee but one on which robust debate does take place and at least something has come forward, so I think it is important to acknowledge that. I was also very keen in the interim to get a 4-year term through and it was something I would have

brought myself but I did talk to one member of the committee and they assured me it was being looked at and it would be brought forward, so it has not been necessary to do that. I do not have a lot to add that has not been said already. For a while, I was trying to figure out if Senator Breckon's speech was in favour in the proposition or not because when he talks about not having the Minister for Treasury and Resources - we would have a Minister for Treasury and Resources, of course, it would just be a different one - and that, of course, if we had 4 seats and that means we would have to do without Senator Ozouf and Senator Ferguson and I did not know those were arguments to promote the reduction to 4 positions or to warn us off against it. But I guess it can be for anyone. I think in that sense I am, not for that reason, supportive of the reduction from 6 to 4 in the sense that there is an argument that as you get down the votes towards the fifth and sixth positions and even lower down, of course, but in the absence of any transferable voting system, any preferential voting system, it does become more arbitrary who gets in, and that is not to take away from any Member who gets in to any position because that is the system we have. So I think the 4 is the right number for any one vote. It is still enough of a choice for electors to cast their votes in a meaningful way and in a diverse way without necessarily watering the vote down and making it meaningless. It would also hopefully make the elections more manageable by reducing the amount of seats by two-thirds. If that has a knock-on effect of having two-thirds of the candidates rather than the 21, it would be 14 for the 4 seats. It is a lot more manageable on the platform. I do not agree, necessarily, with the Chief Minister when he says that we have to decide whether we want an Electoral Commission for this. If that is the case, then I would have to reject this proposition. I think it is fundamental that we do have and continue to look at electoral reform. I see this is rather a starting point not an end in itself for further reforms. I would like to hear from other Members because if that is not the case then, as I have said, I cannot support this. We need to get to the fundamentals and I will be supporting it, if I do, on the basis that it gets me to my objective of having a single election day, which we will have a single type of States Member which is yet to come, so you can change the government wholesale if one wants to. Now, the argument for not having that, for having Senators elected in different years, of course, is that it provides stability. But I would simply say to that it is not the government or anybody's job to say what stability is. It is up to the public to decide if they want stability and what kind of stability they want. That is what democracy is and I think it sounds slightly maybe arrogant to say it provides stability, but I am not sure if anyone is using that argument. So I will really leave it there. I am minded to support all of the propositions. Certainly, a Spring election is worthwhile not simply for the reason we have heard. It is going to be easier for people, first of all, to vote. You are going to get more voters out in May than you would in October, I am sure. It is also more pleasant to campaign in May than in October but also I think it is important and I would ask P.P.C. to look at whether ... it is probably another issue. I have a problem with a new States taking on the Business Plan as it is currently at the moment. So you have a Business Plan which is prepared by the old States. You have States Members who have been voted out perhaps and then they are still in there. So this is an issue which has to be dealt with. I would prefer to see an actual break over the summer where a new States gets elected before the summer and then they take up their new positions in September but I am not sure whether that is what will be achieved here but perhaps food for thought. So again, I do congratulate P.P.C. on this. They could have just as easily sat back and said the States is not up for reform at the moment. Let us wait another year and a half but they have not done that and so well done to P.P.C.

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

I am going to confine or categorise my remarks into 2 categories. Firstly, from a Treasury perspective and then just without a Treasury perspective. From a Treasury perspective and a finance point of view, there is much to be admired to look forward to a 4-year planning cycle. Much better than 3. It is much better from a financial discipline point of view. We are currently going to be considering changes to the Business Plan to give people the certainty of 3-year cash limits. Most governments operate on a 4 or 5-year term, 6 years is too long, 3 years is too short and

it is either 4 or 5. In the Jersey political context, I think that 4 years is the right thing to do and for that reason ... and the conundrum has always been how do you get a longer than 4-year term with the Island-wide mandate and you cannot have either. That is why I am going to support the 4-year term but I have a significant “but” in relation to the bits of the part 1 and the 2 of the ... or (c)(i) or (c)(ii). If I may just ask the Chairman of P.P.C., is she going to vote and offer Members a separate vote on (c)(i) and (c)(ii)?

**The Connétable of St. Mary:**

I am thinking of taking the whole proposition as it stands.

**The Deputy Bailiff:**

(a), (b) and (c)?

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

If that is the case, I am going to have to vote against it because I think, and I would urge the Chairman, respectfully, to reconsider that position. I am sorry if I am causing difficulties but there are 2 things, in fact, that I disagree with. The first thing is that I think this proposition, as other Members have said, does not deal with the issue of the Deputy seats. I think it was Deputy Le Claire in an earlier debate and in this debate who said that, in fact, many Members have wanted to have an Electoral Commission, a Boundaries Commission, in order to deal with Deputies' seats and it is a shame, and P.P.C. can criticise me for not bringing an amendment in order to deal with that. I fully accept the criticism but, nevertheless, we have a proposition here and it does not in any way deal with any of the Deputorial allocation of seats. I am not going to single out any individual who has spoken in the debate on the legitimacy of positions 5 and 6 in the Senatorial but there are issues about the legitimacy of some positions in this Assembly. It would be easy for me to say that I stood in a Senatorial election and came number 5, but there were other people who did not succeed in that Senatorial election that are sitting in this Assembly today and the point needs to be made is I really do think there are issues about the distribution of Deputorial seats, and I would want to see that in place by May 2015 where I think the real reform for the States should be and that is where this proposition is silent in respect of that. My own view is that we should be seeing a reduction in States Members as a whole and I would ask, and I would suggest, that it is in the, with respect to my Deputorial colleagues, on the Deputorial benches that we also need to see a reduction in Members. [**Approbation**] It is not right, in my view, to deprive Islanders of a vote in next year's election to reduce their Island-wide votes when they have not the opportunity of perhaps taking a greater participation in the Deputorial elections that they do in some cases. In St. Helier 3 they do. My own view has been that, as this whole debate has emerged, I favour larger constituencies, getting those constituencies to be settled, experience of them and, eventually, I fully accept that the Senatorial mandate will potentially, ultimately go. But it should only go when there has been a settled arrangement and almost a part of a settled Senatorial ... wider Deputorial mandate. Now, there is a problem - and maybe I have completely misunderstood it, and I stand to be corrected by the Chairman of P.P.C. or otherwise - as I understand this proposition, there is going to be an election in 2011 for everybody and there is, therefore, going to be the election by this Assembly of a Council of Ministers that will run until May of 2015. Now, I think I have understood that. There is going to be an election for a Council of Ministers, *et cetera*, in May 2015. I am one of the Members whose term expires and I keep my very helpfully created St. Brelade identity card, which reminds me of when my term of office expires almost as a sort of sentence, but my term of office expires in October of 2014. Therefore, and it is to be expected, and I do not expect anything, but I would imagine that there were going to be some Ministers within that group of people whose term of office expires in October 2014.

[16:45]

We are going to have a position that 3 and a half years into an election, and in the inevitable run-up to those elections, some of those Ministers are going to have to be, if they seek re-election, effectively, having a general election, as I have understood it. There is going to be a general election come what may in October 2014 because you cannot deal with the mandate. I do not know the solution to this but there is a problem. I think that is completely unworkable in terms of the way that this operates. I have not a solution to it but people are shaking their heads, but I think that there is an issue there that I do not understand how that is going to work. So therefore, I agree with the 4-year term. I want to support bits of this proposition. I want to agree with the long-term objective but I do not agree that there should be a reduction in Senators before there is an overall reform of the 29 Deputies. I think reform of the Deputies should happen and so, therefore, I am looking for bits of this proposition to support, but I certainly cannot support all of it, and I would urge any Members that agree with my view, that there should be reform of all Members of the Assembly at the same time, they should support my... if the Chairman does not agree with the part voting, then Members are going to have to vote this down and, again, unfortunately, we are going to have to come back with something that works.

**Deputy M. Tadier:**

Can I ask clarification from the last speaker on just one issue because it is not clear to me? Did he mean that when he stands for election, he will be coming up for election in 2014, so he will not and the other 6 Senators - any of those which do stand for election or fall - they will be standing for a 4½ year term so they will not be standing for a general election. Is that the understanding of the Senator?

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

My point was simply this. You are going to have, effectively, with the transition... and I heard the comments of the Chief Minister about a May election, and he has made other comments about that which are also valid. You are going to have, effectively, a situation whereby you potentially are going to have Ministers... if I was the Minister for Treasury and Resources, for example, and you are going to have the Minister for Treasury and Resources who is going to be facing an election mid-way through a 3½ year term of office in October, I just do not understand how that is going to work. We are going to have a general election ... and, then, of course, if you are the Minister for Treasury and Resources and you are very unpopular you will probably get thrown out [Laughter] and, therefore, that is not a reason to vote it but it just cannot be, in my view, it just cannot work. You cannot have a situation where there is going to be a general election mid-way through a 3½ year term and that is the reason I cannot support it.

**3.4.17 Deputy S. Power:**

I cannot imagine the reactions of the general public out there listening to this. I suspect that poor old BBC I would suspect that all their listeners are now listening to Radio 1 or Radio 4 or Radio 3, but they are certainly not listening to this Chamber because I cannot ... the Deputy of St. Martin said earlier that we have been here many, many times. Well, he has probably been here a lot more often than I have and I am the class of 2005, and I have lost count of the number of times that I have discussed the composition of this Assembly, the balance of this Assembly and the reform of the Assembly, and I honestly get angry and grumpy when we have to go over this ground again and again and again. There is an election coming in 2011. It does move towards change. As it has been said, it is small change. It is microscopic change in terms of Clothier but it is change and change is coming. A small step for man, yes, and I think that has to be welcomed. Someone said, I have lost track of it during the debate, that these proposals in the P.P.C. proposition will cause it to be less attractive to go for the office of Senator, and I can read from the proposition that in my reading of that, that is definitely the case and it is sounding, in my view, the marginality of the role of the Senator as we progress through this proposition. Mind you, the way I feel right now, it is less attractive to be even a States Member in a debate like this afternoon. It is just so frustrating. Then to follow on, to make it worse, we have another proposition about ourselves coming up



straight down the pipe after this. It is just not fair. As I said, I have just come up to almost 5 years - 59 months and I think 13 days I have been in this Assembly and I do not really count ...

**Deputy R.G. Le Hérissier:**

Is the Deputy marking them on a calendar?

**Deputy S. Power:**

I think I put scratches on a fridge somewhere. In all that time I can say I have not received a phone call about reform of the States or the composition of the States. I asked Deputy Hilton who is here beside me, who is the class of 2002, and she is from a bigger constituency and she has not had a ... so far as she is aware she has not had a phone call about composition of the States. So where is the pressure coming from? What is driving this? I do accept the following: 3 years is too short. Four years is about right and I would, personally, like to move to the Spring. I am sick and tired of walking around St. Brelade in the rain in October and November. In my first election in 2005, I think there were 3 elections in St. Brelade that autumn; one for Senator, one for Constable and one for Deputy. So you are asking the parishioners of St. Brelade to go out in the rain and the wind and, in my own case, stand outside Community Care I think twice for 12 hours. No big deal except it was bloody cold ... sorry, Sir. Then we had an election for Procureur in February 2006 so we asked the parishioners of St. Brelade to go out 4 times. So we have to reform that aspect of it and I am for that. Downsizing the Assembly is good in principle. Personally, I am not sure about cherry picking 4 Senators and I would like to expand a little bit on that. If we were to reduce the size of the Assembly by 4 Members, from 53 to 49, 4 is 7.5 per cent of 53. So that is a pretty significant reduction. If only we could do that with the public service. But if we did set that precedent in that Assembly, maybe we are in a stronger position to reform the way we manage this Island. If we could shrink - if we had not only just about pay freezes - if we could shrink hiring in the public service we might be able to achieve something that is approaching 6,900 to 6,200 over a long period of time. So I think if we set a precedent by restructuring this Assembly, by bringing it down by 7.5 per cent, it does give us a powerful mandate to do other things within the way we run the Island. In my own backyard, St. Brelade, we have about 13,000 people living in St. Brelade. The greater proportion of St. Brelade live in the vingtaines of Quennevais and La Moye and, subject by correction by my good colleague, Deputy Tadier, I think that is nearly two-thirds to three-quarters of the population of the Parish. The 2 vingtaines of Noirmont and Du Coin are much smaller. So we would, I think, contend out there that there is reform of St. Brelade needed. I also say that I think some of the others said there is one Deputy for St. Peter, one Deputy for Grouville, 2 for St. Lawrence and 2 for St. Clement. I think there disproportionately ... there are imbalances in the way that representation has taken place. So P.P.C. is a bit like being on Planning. I do not know how the Constable of St. Mary... because she is on Planning and she is the head of P.P.C., but she does. It is sort of a poisoned chalice. On Planning, you are damned if you do and damned if you do not and on P.P.C. you are damned if you do and damned if do not. So I agree with Senator Ozouf, if the Chairman of P.P.C. is going to take this all as one bite, (a), (b) and (c) together, then I am going to struggle to support this. But if she did break it down then I would be able to support part of it but I certainly, at the moment, unless in her summing-up she waves a magic wand and brings me along, I am uneasy about this one.

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

As the previous speaker has said about the P.P.C. Chairman, I am also on Planning and P.P.C. and it can be frustrating at times especially so in this case when we are looking at reform because the electorate want a number of different things and some of them clash. Firstly, the electorate wants fewer Members in the House. Secondly, the electorate do want an Island-wide mandate. Thirdly, they want Constables in the House. Fourthly, they want Deputies, and especially they want them to represent their Parishes. Fifthly, they want one election date. Now, in addition to those we, as Members of the House want a couple of things, we want a 4-year term instead of 3 because we think that is more practical, and we want a Spring election rather than an autumn because that is

also more practical. So we have got all of these different items. We have, I believe, come up with a proposition that is the closest we are going to get to achieving this. I think this is the only way we are going to get nearly all of a square peg into a round hole.

**3.4.19 Deputy A.E. Jeune:**

I welcome this proposition from P.P.C. and I do feel that the people of Jersey are going to be well fed up if we are going to be talking about ourselves yet again with nothing at the end of it. **[Approbation]** Therefore, I would ask the Chairman of P.P.C. to seriously consider please taking these section by section. Because if we get some change it is going to be a lot better than no change yet again. Thank you.

**3.4.20 Deputy I.J. Gorst:**

It appears that we are in somewhat of a muddle and I have felt more muddled and more confused as this debate has gone along. It is my understanding that already this year we, as an Assembly, have approved in effect a single election day and the next election will be a single election day, apart from 6 Senators. So I believe that we have already moved probably as far as we can to try and fit the square into the round hole without - I hear murmuring - without a root and branch change and we are now facing a decision point. Either we carry on down this route and by default the office of Senator will be devalued and, therefore, cease to exist, and we need to make sure that if we support this proposition today that we are happy with that state of affairs and we believe that is appropriate and the consequential changes that will arise from that are appropriate. One question I would say along those lines is, if that is the case, are we seriously saying that we accept that the Chief Minister in future will be a Deputy or a Connétable? Because that is what we would be doing if we get rid of the Island-wide mandate. I do not believe for one that we have had appropriate consideration of those effects. We have questioned whether Ministers should be Deputies or Connétables, perhaps we have decided that it is appropriate, but is it really appropriate for the Chief Minister not to have an Island-wide mandate with our current system? I am not certain that it is. It is fine for some Members to tut and say that is not the case, but I think we all know that is the case. I would prefer to see what happens with the single election day which is what we will, in effect, be having, and while at the same time as seeing how that pans out, I believe that we are now moving to a point where we have no choice but to have a proper Boundary Commission to look at the representation across the whole Island and make informed decisions. It is not going to be easy. Deputy Le Hérisier said he recognises that we either need to go with a big change or stay where we are and see what happens. It is time that we acknowledge that, I believe. I have not always been one that believed that needed to be acknowledged, but if this debate has shown me anything today it is that we must acknowledge that. We either must move away to probably a super constituency type arrangement, or we must see how the single election day works next year, and see if election turn out does increase, and look at a Boundary Commission to see whether we have got the representation correct.

[17:00]

I believe that unfortunately, in light of that, and in light of the fact that the Chairman feels she has no choice, and I do understand why she would put them together, perhaps she is changing her mind and she is now going to let us vote in a different way, but I do find myself today, having sat through a number of these - not as many as a lot of Members - around electoral reform that we should either let the single election day go forward or as we have already agreed, or we have to bite the bullet and we will have to go for a major change. We cannot escape from it, otherwise we will have major change by default without any of us realising what we have been voting for. Thank you.

**The Deputy Bailiff:**

Does any other Member wish to speak? I call on the Chairman of Privileges and Procedures to reply.

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

Two words spring to mind. The first one is “Oh”, the second one is “Joy”.

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

They are both parliamentary.

#### **The Connétable of Mary:**

Yes, they are. **[Laughter]** I chose them very carefully. Perhaps first of all I should address the issues that have been raised about how I could split, or if I would be prepared to split, the proposition. When I indicated that I hoped to take it as whole, that was for the following reason: parts (a) and (b), in my understanding, must hang together because to have one and not the other adopted would leave us with a limbo situation between terms of office. I had wanted to take (c) and, as the Minister for Treasury and Resources alluded, I have not had any amendments to say: “No, we should have 6 Senators each time.” I have not received any comments from any area saying we should have 6 at each time. As Deputy Pitman had raised the stakes, shall we say, by having an amendment that increased the numbers removed, and that had not had any comment and it did not dawn on me that there would be a major reaction to trimming-down, and so there was not an alternative position. If I take (c) separately I need to ask your guidance, I am afraid, because of course we refer in part (b) to transitional arrangements, which come out in part (c), and we would not obviously be voting for those if part (c) did not get adopted. Would it be in order then to come back and bring transition arrangements in any event, Sir?

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

Well none of this takes affect without legislative change and I am assuming that the necessary transitional arrangements will be tackled in the course of drafting the appropriate legislation. It seems to me that the committee has some latitude in that respect.

#### **The Connétable of St. Mary:**

Thank you, Sir. In that case at this stage I will say I am very likely then to take (a) and (b) together and then (c). To address some of the points that have been raised. Firstly I would like to thank everybody who spoke because I think everybody had a valid contribution and a point to make, even if some of them went completely over my head. Having been in this reform game for a number of years now, I thought I had heard it all but I have heard some new ones, and I thank Senator Ferguson for that. **[Laughter]** As for the Deputies electing the Senators, well, I think that could be quite an interesting proposition. But, as I say, everybody’s points had value. Why were we taking all the Members from one class? Well, I think the proposition and the report and previous debates we have had have already said that. In each case where we have tried to head down a simple reform path it is the position of the Senators that has given us the sticking point. The Senators themselves are all lovely people and this is not personal but that is, as many other Members have said, the immovable feast, as it were. Senator Ferguson asked me a question about Scrutiny, did I not think Scrutiny was responsible? Well, anybody who knows me will know that I do. In fact I think she must have misheard me. I did not say that only Ministers were responsible, what I said was that there were mixed messages about the Island-wide mandate and that some people considered there should be a close connection between Island-wide mandate and Ministerial responsibility, and I went no further than that. Senator Le Gresley is a turkey, apparently, and so is Senator Le Marquand. In that case, break out the Paxo. **[Laughter]** I myself was a turkey several reform debates ago, it seems like only yesterday, when as a Deputy I voted to do away with what was probably the safest seat in the House at that time when I went for a super constituency, because I believe in doing what is right when it is right to do it, and for the reason that it is right to do it. Many Members, when they have spoken, have said: “Perhaps we should have larger constituencies, perhaps that is the way to go.” Well, as Senator Ferguson said, have I considered other options? Well, just a few, and that was one of them and it came very, very close to being accepted by the last Assembly, there were only 3 or 4 votes in it. But when I brought it back to this Assembly all fired-

up with reform from the last elections they did not like that proposal, and that is the root and branch of why we are at this particular proposal today and why I think this proposal has merit. I would like to just touch a bit about the impact on the Business Plan, budget cycle, *et cetera*. Of course we did take consultation on this and, as I said in my opening speech, it has got to be better surely to have the new Assembly dealing with the budget that they will work to. Electing the Assembly before the Summer recess allows things to stretch a bit. We have talked to the Minister for Treasury and Resources and his advice is the new Council of Ministers could finalise the following year's Business Plan and work towards the budget during this Summer for debate in the autumn. It does not have to be September, we can change things to give latitude towards the end of the year, and I believe it is totally workable. With the right will, I think we can achieve this and so I would like to reassure the Chief Minister on that. The Chief Minister also said he was concerned that where was the evidence to show that it was devaluing the Senators to have all 12 on one day and, you know, I had mentioned in my speech that positions 10, 11 and 12 might get a relatively small proportion of the electorate. We have seen it in the elections in St. Mary each time, we have a small electorate but each time we seem to return all the Senators who will be returned when we declare first. I think that it is true to say that there is usually a groundswell of public support for a certain number of candidates but after that things start to get a little bit more diffuse and that is the danger in perhaps the Senators would be retained, 12 being elected at one time, we could devalue the vote for the last few to come in. Many Members have said they were keen for the 4-year term and the Spring election and I echo that I hope they will support me. Deputy Gorst said: "Would we really want the Chief Minister to be a Constable or a Deputy?" Now, it has not happened yet but I think that if that was the right person for the job... **[Approbation]** This Assembly chooses the Chief Minister under the rules that we have at the moment, that is in this Assembly's gift to decide and, as I say, it is not a question of title it is a question of the job you do and how you do it. I do not know if there are any more points that I have not addressed specifically and, even if there are, everybody I am sure has heard us talking about ourselves for quite enough. So I move to the vote. I would simply say that the longest journey must start with a single step but even the longest journey has to end. I say that now is the time to stop walking. I call for the appel for (a) and (b) together and then parts (c) and then (d).

**The Deputy Bailiff:**

The vote for Members is on parts (a) and (b) of the proposition. The appel has been called for and I invite Members to return to their seats if there are any out of the Chamber, but I do not think there are. I will ask the Greffier to open the voting.

<b>POUR: 41</b>		<b>CONTRE: 7</b>		<b>ABSTAIN: 0</b>
Senator P.F.C. Ozouf		Senator T.A. Le Sueur		
Senator T.J. Le Main		Senator P.F. Routier		
Senator A. Breckon		Senator B.E. Shenton		
Senator A.J.H. Maclean		Senator F.E. Cohen		
Senator B.I. Le Marquand		Senator J.L. Perchard		
Senator F.du H. Le Gresley		Senator S.C. Ferguson		
Connétable of St. Ouen		Deputy of Grouville		
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				

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

**The Deputy Bailiff:**

We now move to paragraph (c) of the proposition. If the Greffier has reset the voting I will ask the Greffier to open the voting.

<b>POUR: 31</b>		<b>CONTRE: 17</b>		<b>ABSTAIN: 0</b>
Senator A. Breckon		Senator T.A. Le Sueur		
Senator B.I. Le Marquand		Senator P.F. Routier		
Senator F. du H. Le Gresley		Senator P.F.C. Ozouf		
Connétable of St. Helier		Senator T.J. Le Main		
Connétable of Trinity		Senator B.E. Shenton		
Connétable of St. Brelade		Senator F.E. Cohen		
Connétable of St. Saviour		Senator J.L. Perchard		
Connétable of St. Clement		Senator S.C. Ferguson		
Connétable of St. Mary		Senator A.J.H. Maclean		
Deputy R.C. Duhamel (S)		Connétable of St. Ouen		
Deputy of St. Martin		Connétable of Grouville		
Deputy R.G. Le Hérisier (S)		Connétable of St. Peter		
Deputy J.B. Fox (H)		Deputy of Grouville		
Deputy J.A. Martin (H)		Deputy of Trinity		
Deputy G.P. Southern (H)		Deputy I.J. Gorst (C)		
Deputy of St. Ouen		Deputy of St. Mary		
Deputy of St. Peter		Deputy E.J. Noel (L)		
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				

Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Deputy Bailiff:**

We now come to paragraph (d) which requests the Privileges and Procedures Committee to bring forward necessary legislation. I will ask the Greffier to open the voting.

<b>POUR: 44</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 1</b>
Senator T.A. Le Sueur		Senator T.J. Le Main		Connétable of Grouville
Senator P.F. Routier		Deputy of Grouville		
Senator P.F.C. Ozouf		Deputy I.J. Gorst (C)		
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D.J. De Sousa (H)				

Deputy J.M. Maçon (S)				
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**The Connétable of St. Mary:**

I wonder if I could very briefly just say a big thank you to all the staff at the Greffe and in the Clerks Section who have helped get to this situation, thank you. **[Approbation]**

**The Deputy Bailiff:**

I am sure that is appreciated, Chairman, but before I forget can I also add that the Deputy of St. Mary is looking at a fine for his BlackBerry telephone which went off.

**The Deputy of St. Mary:**

I do not know if I wish I had a BlackBerry, but I certainly do not have one.

**The Deputy Bailiff:**

It is your telephone.

**Senator J.L. Perchard:**

If you may indulge me a moment, mention was made during that last debate of the career of the late Cecil Clothier, and I just wanted to put the record straight. Sir Cecil was a wonderful servant and great friend of Jersey. He passed away in May of this year after a distinguished career. Sir Cecil was born in 1919 and educated at Lincoln College, gaining a Bachelor of Civil Law and Master of Arts. He was elected an Honorary Fellow of the College in 1984. He served in the Highland division in the Army from 1939 to 1946 and became a Lieutenant Colonel in the Royal Signals. He was called to the Bar at Inner Temple in 1950 and took silk in 1965. He was Recorder of Blackpool from 1965 to 1978, he was Judge of Appeal of the Isle of Man from 1972 to 1978 and he was knighted in 1982. He was the Chairman of the Council of Tribunals from 1989 to 1992 and, very importantly, in 1996 and 1997 he led a review body on the police services here in Jersey. Between 1999 and 2001 he chaired the Review Panel into the Machinery of Government and produced what has now become known as the Clothier Report. I felt his work in Jersey was worthy of this mention after him being mentioned randomly during this debate. He spent all his life giving public service and during his time working in Jersey he gained much love and respect from Islanders. **[Approbation]**

**The Deputy Bailiff:**

We now come on to the last item on the agenda P.120 in the name of Senator Breckon, Machinery of Government.

**Senator A. Breckon:**

Sir, bearing in mind the hour and if I did start speaking perhaps I would have to break off, perhaps I could, through you, offer Members an option. One would be that we adjourn now and come back tomorrow and the other one would be, bearing in mind that the agenda for next week is fairly light and we have got 3 days set down for next week, if we were to put this item the first item on that following the questions, and the other thing, then that might be more beneficial. But I would, at all costs, try and not touch this at all tonight, bearing in mind that probably Members have had enough of this particular subject. So if you could make some sense out of that and we could get one thing or the other.

**The Deputy Bailiff:**

I think I can make sense out of it, Senator, but I think we cannot take a vote on an option so it is one or the other, which would you like to propose?

**Senator A. Breckon:**

As a Member of the House, I propose the adjournment.

**The Deputy Bailiff:**

The adjournment is proposed, is it seconded? [**Seconded**] All those in favour kindly show?

[17:15]

**Deputy I.J. Gorst:**

Sorry, can I ask, are we saying the adjournment will be until tomorrow or until next week?

**The Deputy Bailiff:**

The adjournment will be until tomorrow.

**Deputy I.J. Gorst:**

I am against the proposal.

**The Deputy Bailiff:**

The position is that if Members do not wish to adjourn to tomorrow, but would prefer to adjourn the matter until next week they should vote against the adjournment so we then carry on and we can deal with the next one.

**Deputy M. Tadier:**

Can we have the appel? It will probably save you counting, so it may be best.

**The Deputy Bailiff:**

The appel is called for, the vote is whether to adjourn at this stage. I will ask the Greffier to open the voting.

<b>POUR: 11</b>		<b>CONTRE: 33</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator J.L. Perchard		Senator P.F.C. Ozouf		
Senator A. Breckon		Senator T.J. Le Main		
Deputy of St. Martin		Senator F.E. Cohen		
Deputy J.B. Fox (H)		Senator S.C. Ferguson		
Deputy J.A. Martin (H)		Senator A.J.H. Maclean		
Deputy G.P. Southern (H)		Senator B.I. Le Marquand		
Deputy of St. Ouen		Senator F.du H. Le Gresley		
Deputy of Grouville		Connétable of St. Ouen		
Deputy K.C. Lewis (S)		Connétable of St. Helier		
Deputy D.J. De Sousa (H)		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy M. Tadier (B)		
		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 M.R. Higgins (H)		
		Deputy J.M. Maçon (S)		

**The Deputy Bailiff:**

The States have resolved to continue now: 11 votes were in favour of adjourning, 33 votes against.

**Deputy I.J. Gorst:**

May I propose that we adjourn until next week?

**The Deputy Bailiff:**

You wish to propose that ...

**Deputy I.J. Gorst:**

Actually, Sir, no. **[Laughter]** I do not believe that is what I want to do unless Members would want to continue this sitting and then restart the new sitting, and I think it would be better of Senator Breckon were to offer to move his proposition on the Order Paper to next week.

**Senator A. Breckon:**

I could not do that until that vote was taken, you know, if we were going to continue tomorrow I could not do that. So perhaps now I could suggest through the Chair that P.120 is taken as the first item at the next sitting which is next week.

**The Deputy Bailiff:**

Is that proposition seconded? **[Seconded]** So Members are in favour of taking P.120 as the first item next week on 19th October. The appel is called for. I will ask Members to return to their seats if they wish to, otherwise I will ask the Greffier to open the voting.

<b>POUR: 41</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator J.L. Perchard		
Senator P.F. Routier		Deputy J.B. Fox (H)		
Senator P.F.C. Ozouf		Deputy of St. John		
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.A. Martin (H)				

Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
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 M.R. Higgins (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Deputy Bailiff:**

Very well there being no other business ... there is other business.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**4. The Connétable of St. Mary (Chairman, Privileges and Procedures Committee):**

Thank you. It has been rather a long road has it not. The arrangement of Public Business will be as noted under M on the lavender sheet with the following change, at least as far as I am up to date with. On 19th October first of all, of course, we will carry forward the business from today, P.120 with the associated amendments. We will add P.127 amendment 2 in the name of the Deputy of St. Mary.

**The Deputy Bailiff:**

Sorry, I did not hear that, what are you adding?

**The Connétable of St. Mary:**

We are adding P.127 amendment 2, this is States Members remuneration lodged in the name of the Deputy of St. Mary. Withdrawing P.133, the Draft Employment (Amendment No. 5) (Jersey) Law. The 2nd November we add P.142 which is the Draft Employment (Amendment No. 5) (Jersey) Law 2010 Appointed Day Act, and P.146 which is the Fiscal Policy Panel: reappointment of member, lodged in the name of the Minister for Treasury and Resources. On 16th November we delete P.134 the Draft Employment (Amendment No. 6) (Jersey) Law 2001; and on 30th November we add P.143 which is the Draft Employment (Amendment No. 6) (Jersey) Law 201-, in the name of the Minister for Employment and Social Security; and P.144 the Draft Harbours (Protection of Cables in Territorial Waters) (Jersey) Regulations 201- in the name of the Minister for Economic Development; and P.145 the Freedom of Information: implementation plan, lodged in the name of Deputy Le Hérisser. I believe I have got it all.

**Deputy J.A. Martin:**

Probably an oversight of mine, I cannot see it anywhere, P.140 the Petition of the Post Office, I was told it could be lodged because it has been lodged in time ... I am sorry, Sir.

**Deputy M. Tadier:**

It is not my job to do, but can I ask the Chair whether it is the case that the deadline for oral questions is tomorrow morning and if so to remind Members of that fact because of the anomaly of having 2 sittings in a row.

**The Deputy Bailiff:**

The deadline is 12.00 Noon tomorrow. Very well, the arrangements for future business are as settled by the Chairman of Privileges and Procedures. There being no other business the States now stand adjourned until 9.30 a.m. next Tuesday, 19th October.

**ADJOURNMENT**

[17:21]