

5.2 Deputy T.M. Pitman of the Chairman for the Privileges and Procedures Committee regarding the implementation of reforms agreed in October 2010:

Would the Chairman advise whether the adoption by the Assembly of either of the propositions lodged by Senators Cohen or Ferguson would effectively prevent any of the reforms agreed in October 2010 from being implemented?

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

I believe that this question is fully addressed by the P.P.C. (Privileges and Procedures Committee) comments issued in respect of Senator Cohen's proposition P.198/2010. In response to his suggestion that a referendum should be held, P.P.C. stated: "Members must be aware that if Senator Cohen's proposition is adopted all other aspects of reform agreed last October will be deferred for at least 3 years." The reasons for this statement are spelt-out at length in the comments which, for the sake of clarity, also confirm that I will not be able to propose P.176/2010, the Draft States of Jersey (Miscellaneous Provisions) Law 201-, should P.198 be adopted. That draft law proposes a reduced number of Senators and can clearly not be proposed if the States have just agreed that there should be no reduction in the number of Senators before a referendum is held. The proposals agreed by the States in October 2010 for a spring election and a 4-year term of office will also fall away. Furthermore, the comments confirm that should Senator Ferguson's amendment to P.176 be adopted then the effect would be to maintain the current number of Senators in contradiction to the States decision of 13th October last. But the other reforms agreed on that date, namely the move to a spring election and the move to a common 4-year term for all Members, would not be affected.

Deputy P.V.F. Le Claire:

Can I ask on a point of order please? Is it in order for propositions to be allowed to be tabled that negate decisions of the States without a rescindment having been brought?

The Bailiff:

Well, it has been lodged. I am sorry, I do not think we can have this theoretical debate at the moment. It has been lodged as being in order.

5.2.1 Deputy T.M. Pitman:

Given a number of members of the public have contacted me about what many consider time wasting proposals, will the Chairman just clarify for the House whether the fact that the Senators evolved from a position from Jurats, that there is absolutely no reason or justification for there being 12 or indeed any research to back-up that the Island want 12 as opposed to maintaining some kind of Island-wide mandate?

The Connétable of St. Mary:

I think that really strays too far from the original question. The number of Senators is something the States has debated and our projet simply tries to enforce a States decision.

Deputy T.M. Pitman:

It is a simple question.

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

I just want to ask the Chairman, she puzzled me with her first answer: how is it that if P.198 is passed and we proceed to a referendum on the number of Senators, how that can affect us voting through the measures to ensure the spring election and the 4-year term of office? Surely, they are dealt with separately in the regulations. They must be. Can she explain why all other aspects will fall, as she claimed, when I cannot see that the 3 things are necessarily connected?

The Connétable of St. Mary:

P.P.C. got to the stage of lodging the proposition P.176 as a result of the States adoption of a package of measures taken together. P.P.C. has always, in bringing reformed proposals, tried to evade piecemeal reform, so the package hangs together. The draft law proposes all the changes that the States agreed, and I am advised that the course of action is to not propose the law should the referendum be adopted.

5.2.3 Deputy G.P. Southern of St. Helier:

Does the Chairman not accept that this rash of proposals on the constitution of the States has been brought about by this Chamber's refusal to accept the Clothier report in its entirety and the piecemeal approach adopted by her committee and previous committees to electoral and constitutional reform in this Island? Is it not time that she brought a proposal bringing forward a single type of Member in the States Chamber?

The Connétable of St. Mary:

I am afraid I cannot accept what Deputy Southern has said at all. We are at the situation where we are for having followed through numerous debates, numerous proposals, numerous opinion polls, numerous States decisions that have led us in one direction or the other, and the package of reforms that was adopted in October was not the first certainly to be presented by P.P.C. but it did gain the absolute majority of this House. The lodging of amendments to the legislation that enforces that decision of the House has nothing to do with anything else that has gone before, but merely, I would say, decisions of States Members who have questions about the decisions that they made or decisions that were made democratically about other Members.

5.2.4 Deputy P.V.F. Le Claire:

Please can I ask that you do not take this question as in any way related to your decisions, it is not, Sir. It is just a general principle. I would like to ask the Chairman of P.P.C. whether or not she will undertake with her committee to look into this issue of the States decisions being superseded by propositions that are lodged that do not bring rescindments to States decisions that stand?

[11:00]

It seems that at a whim we are able to dismiss States decisions at the moment. We had it recently with Deputy Southern and numbers, and I think we are in danger, if the Chairman is not willing to do this, of making this whole process in the States Assembly seem absolutely and totally benign. Is she willing to undertake to look into it?

The Connétable of St. Mary:

Firstly I would like to say I do not believe there are exact parallels between the situation today and the situation with Deputy Southern's recent piece of business where there was a question of an Appointed Day Act and various other things having come in. What P.P.C. has done is give effect, in draft legislation, to the States

decision. The mechanisms for dealing with changes to States decisions are clear but, as Deputy Le Claire says, more often the States decides to, if it does not like a decision, attempt a rescindment. Certainly the way that this could be tackled in future is something that P.P.C. perhaps could put on its agenda for a future day.

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

Does the Chairman think that the 400 years it has taken to bring the revisions of the Canon law is likely to be matched by the achievement of government reform?

The Connétable of St. Mary:

I think that depends entirely now on the decisions of States Members today, whether they were going to change their minds from what they did last October. Certainly if I had my way, the reforms we had agreed would be in place by the end of the day.

5.2.6 Deputy T.M. Pitman:

I thought it was going to take 400 years. Following on from Deputy Le Claire's point, could the Chairman advise us, does she feel there is a chance, if we carry on with these sort of vested interest-driven propositions, that in 3 months' time we may have a scenario where someone attempts to overturn a decision yet again and just make us look even more stupid than usual.

The Connétable of St. Mary:

It is not for me to second guess Members, but I have to say the Deputy asked my personal opinion, sometimes there are things that are brought to the floor of this Assembly that astound me. That is my personal opinion. But all I can say is the committee has worked hard with able assistance from the States Greffe and the Law Draftsman to put into draft legislation the decisions this Assembly took. I hope this Assembly will not shy away from enforcing those decisions. I hope that, but it is a matter for Members and it is a matter for Members' judgment as to how they treat this.