

### **3.6 Deputy T.M. Pitman of the Chief Minister regarding the potential chairman of the Electoral Commission:**

What justification does the Chief Minister have for withdrawing his support for a fully independent Election Commission, and proposing instead that his Assistant Minister chair the Commission, especially given that this was a factor in garnering the support of several Members in his election for Chief Minister, and will he now be offering his resignation as a consequence of going back on this commitment?

#### **Senator I.J. Gorst (The Chief Minister):**

Given the inference of his question, I am sorry that Deputy Pitman feels as he does. I voted for the Electoral Commission in March 2011. I am now, as has been much publicised, in favour of the revision recently proposed by the Privileges and Procedures Committee that States Members be able to sit on the Commission. It will, however, be for this Assembly to decide if it agrees with P.P.C.'s (Privileges and Procedures Committee) revisions. I will continue to support the Electoral Commission whatever the outcome of that debate.

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

Yes, the P.P.C. move, which was initiated by the Chief Minister through his Assistant Minister, I would like to ask the Chief Minister, my vote was given on the basis of 3 promises: political inclusion - broken; finally revealing the appalling use of taxpayers' money on failed civil servants golden handshakes - broken; now we have this third promise going to be broken. Does the Chief Minister really think that is the way to garner confidence in other colleagues about working together?

#### **Senator I.J. Gorst:**

I am afraid that I do not think that Deputy Pitman and I are going to agree on a number of issues and I am not certain that the other 2 points raised in the question arise from this, however I can endeavour to address them. As I said, when I was putting forward nominations for the officers of Minister and also talking with Ministers about the appointment of Assistant Ministers, that inevitably the current system only allows for a number of Members of this Assembly to be involved in the decision-making process. I do not believe that that is appropriate and I am supportive, as the Deputy knows because he attended P.P.C. when I was also attending on P.P.C., of a review of the machinery of government with one of the primary aims being to include hopefully every Member, much more actively in the decision-making process. As I made announcements over a month ago, I said that I would ask Ministers to set up working parties, which hopefully will include many more Members and, as the Deputy may also know, arising hopefully from the approval of the Strategic Plan in due course, will be the setting up of delivery bodies, which will enable not only executive but non-executive and independent members of our community to be involved in the governmental process. That is point one. With regard to the second point that the Deputy asked about; of course if an employer has entered into a confidentiality agreement it is not for the next person, who sits in that particular position to go back on such an agreement. However, I hope that I will, in due course, be able to give more comment in that regard and therefore, I cannot agree with the assertion that the Deputy makes.

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

The question is about the independent Election Commission to which was linked the suggestion of resignation. The supplementary question which Deputy Trevor Pitman put was arguably too wide.

We are not going to go into questions about other matters which were raised. Are there any other supplementary questions?

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

If I may, and I seek your advice as to whether this is sufficiently connected to the question. Nonetheless the Chief Minister has spoken about inclusion, and this relates to that. Does the Minister support his Assistant Minister's opinion as reported to me since my return to the Island yesterday that there should be a bar on any Member who has broken the current election law from sitting on the panel, which looks at the creation of a new election law and election systems? If he does, can he say why?

### **Senator I.J. Gorst:**

This Assembly is made up of independent Members. We put our opinions and manifestos before the public and they elect us or not. It will not be that we agree on every matter at every point. I am aware that my Assistant Minister made comments at P.P.C. and that is absolutely right and proper that we all put forward our opinions and then we ask for a decision upon them. I am not aware that P.P.C. agreed in that particular instance and that is part of the political process.

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

Would the Chief Minister advise the House whether the thinking that underlay the March proposition, namely that any commission that involved the Members of this House would be beset by vested interests from all quarters of the House... there is no limit to these vested interests. It would be beset by these vested interests and therefore the only way to convince the public that a credible investigation could take place into the future of this House and its Members was by an independent commission. What has compelled him to change his mind in that regard?

### **Senator I.J. Gorst:**

If the Member, and I am sure he has, has read P.P.C.'s proposition, to my mind there were a number of telling points raised there. Not least of which is that the 6 Clothier recommendations on the composition of this Assembly have never been implemented or acted upon. I said during the election process that I was concerned that we would end up with another Clothier situation. I am a great believer in Jersey and in her traditions, and I believe that unless we have a process that is cognisant of our history and of our traditions and wishes to respect those and come forward with a proposal which respects those, we potentially will be in another Clothier situation and I do not believe that is in the best interests of any member of our community.

### **3.6.4 Deputy R.G. Le Hérissier:**

Would the Chief Minister not acknowledge he is using the word "tradition" and conflating it with "vested interest"?

### **Senator I.J. Gorst:**

No, I would not.

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

That even gets more worrying because when the Chief Minister talks of tradition he is obviously talking about the proposal of the Assistant Minister whereby the new Electoral Commission independently will come up with 12 Constables and divide the rest up between 42 people. I myself am on P.P.C. and I am at the present moment writing a minority report because I feel so strongly; does the Chief Minister not think by going back on what he has said he is conflating the 2, inclusion in this Government but not inclusion on the Electoral Commission. That should be totally independent and, as the Minister said, we only discussed this 10 months ago, and here we go again already coming back talking about ourselves again. It is out there, we have the money to do it, it should be independent of this House. Does the Chief Minister not agree he really has gone wrong this time?

**Senator I.J. Gorst:**

I am under absolutely no illusion whatsoever, having sat through 6 years of this Assembly debating endless permutations about how we might constitute ourselves, that this is going to be a very difficult and sometimes emotive issue to resolve. Therefore, I am pleased that it should be a decision of this Assembly and not the sole decision of one individual, and that is absolutely right and proper and we will of course have a debate about the constitution of the Electoral Commission in due course, and that is how it should be.

**The Deputy Bailiff:**

We will indeed no doubt have a debate in due course. This is question time and not debating today, and the question was justification which the Chief Minister has for withdrawing his support for a fully independent Election Commission and the Chief Minister has answered that very fully. I cannot think there can be many more questions - questions as opposed to statements. We are going to turn to Deputy Tadier and then a final supplementary.

**3.6.6 Deputy M. Tadier:**

I am minded to ask that if the Chief Minister was so in favour of Senator Bailhache chairing the Commission, even though he said he was not at the time of his pitch for Chief Minister, why he did not vote for his opponent. But the actual question I would like to ask is we seem to be very good at commissioning reviews. We commissioned Clothier, at great cost to the taxpayer. We do not implement it. We have Carswell, to do with the separation of roles of the Bailiff and the Attorney General, which is still live, which will no doubt neatly be sidelined or put into this review and then conveniently forgotten. Should we not be implementing the reviews that are current before we start any more reviews at great cost or some cost to the taxpayer?

**Senator I.J. Gorst:**

The Deputy raises a very good point about politicians in general and Governments around the world are very good at implementing reviews, not quite so clever when it comes to implementing the recommendations of those reviews. Sometimes that is because we have requested reviews to be undertaken by those who do not appreciate a particular context. I would just want to clarify one point: I am not aware that I have at any point, when standing for the office of Chief Minister, said that I was not supportive or supportive of my Assistant Minister chairing such an Electoral Commission.

**3.6.7 Deputy T.M. Pitman:**

I note that the Chief Minister very cleverly side-stepped and said “P.P.C.’s proposition” but would he like to confirm or deny that this is instigated through P.P.C. by him passing it on through his Assistant Minister, and if that is the case would we not be much better off doing what we did after the Second World War and going to the U.K. for a proper commission into this because it is going to be clearly driven by vested interests.

[10:30]

**Senator I.J. Gorst:**

I do not believe that it is in any way, shape or form driven by vested interests. Inevitably most members of our community will potentially have a preconceived idea about what their preferred option might be. We must rise above that. An Electoral Commission will allow us to garner evidence not only from other jurisdictions but also from right across our community and this Assembly will then have to decide upon the outcome from that Commission.

**3.6.8 Deputy T.M. Pitman:**

The Minister really did not answer the question, in all fairness. Is he acknowledging that that was put to P.P.C. by him via his Assistant Minister, because that is my understanding? It did not just spring from P.P.C.

**Senator I.J. Gorst:**

I was not at that particular P.P.C. meeting. The Deputy is right to say that I had approached P.P.C. so that I myself could represent my opinion to them. That was taken away from me because they themselves decided down this course of action prior to my meeting with P.P.C., as he is fully well aware, because he was sitting in the public gallery when I attended upon P.P.C.