

2018.10.23

**3 Deputy S.M. Ahier of St. Helier of the Chairman of the Privileges and Procedures Committee regarding the development of plans to implement electoral reform: [OQ.163/2018]**

Will the Chairman advise the Assembly whether any progress has been made in developing plans to implement electoral reform; and will he further assure members that his committee will lodge a proposition on this matter before the end of this 4-year term?

**Deputy R. Labey of St. Helier (Chairman, Privileges and Procedures Committee):**

I am pleased to advise the Deputy and the Assembly that one of the first actions of P.P.C. (Privileges and Procedures Committee) was to form a sub-committee charged with bringing forward proposals in response to the Electoral Observers Mission on electoral reform and I chair that committee and sit alongside Deputy Alves and Deputy Wickenden. We have been working throughout the summer and progress is being made on proposals to bring forward. Some of these matters are what one might call housekeeping; others are more philosophical and go straight to the heart of our electoral system. On timing, we do not have 4 years. My hope would be, if we want to remain Venice-compliant, or become Venice-compliant, then all alterations to an election should happen 12 months before the elections. My ideal would be, once I have our proposals from the sub-committee accepted by P.P.C., to bring them to the Assembly in the first quarter of 2019. I think the Assembly should aim to make these reforms in 2019, so we have time ... that they can be passed into law and we will not break that 12-month barrier, as it were.

**5.3.1 Deputy S.M. Ahier:**

It has been 18 years since the Clothier report on the machinery of government in Jersey. Would it not be apposite to revisit the findings of that review panel and move forward towards implementation of the proposals held therein?

**Deputy R. Labey:**

Yes, it has been 18 years since Clothier, and in that 18 years the States Assembly has debated a total of 103 propositions on electoral reform, 6 of those were successful, just 6. It is an awful long time. Of course, my sub-committee is also looking at Clothier and those recommendations, but in some ways Clothier has been overtaken by the Electoral Observers Mission. I am not sure in fact; it would be very, very difficult to implement, as far as I can recall, the Clothier recommendations for them to be Venice-compliant. We have to recognise the legal framework here. Jersey is party to the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the United Nations Convention Against Corruption, which all set a number of important standards for elections. The Venice Commission will meet quarterly in Venice and they are being updated all the time. So, that is the benchmark; these covenants and the Venice Commission are the benchmarks for the gold standard, which we have to reach. That is what my sub-committee is looking at: how we apply those standards to our current system and what changes we need to make in terms of voter equity, voter equality, of our system where Members are returned to the Assembly without facing an election.

**The Bailiff:**

Your answers must be reasonably swift please.

**Deputy R. Labey:**

I will leave it there, thank you.

### **5.3.2 Senator S.Y. Mézec:**

If the Clothier report is no longer Venice-compliant, it is just as well that we have an Electoral Commission report, which was Venice-compliant and could be implemented tomorrow. If there have been 103 attempts for meaningful electoral reform previously and, let us be frank, all of them failed because even the proposals that were adopted by the States were not meaningful reforms, how can the Chairman give us any confidence that somehow they are going to find the right answer this time when there have already been enough reports telling us what the right way forward is here?

### **Deputy R. Labey:**

That is my point; we are looking at the Electoral Observers Mission report and we are looking at how we implement that with our system, at the changes that will need to be made. There are 20 recommendations, or so, maybe more, I cannot remember. As I say, a lot of them are housekeeping, but many of them are more complex to do with electoral reform. We are working on it, we are making progress, we want to talk to people. In tandem with that, I want to inform the electorate about what the Electoral Observers Mission is all about, but we are making progress.

### **5.3.3 Senator S.Y. Mézec:**

The Election Observers report made no recommendations on what a good electoral system would look like; it was simply critical of the one that we already have. I was referring to the Electoral Commission report from 2013, which said that we should have one type of States Member, elected in equal-sized constituencies and every States Member should receive a significant number of votes to sit in this Assembly. Does he not agree that Commission report laid out the sensible way forward and anything else is frankly just a waste of our time?

### **Deputy R. Labey:**

That was not the only recommendation of that Electoral Commission, was it? The Electoral Commission brought forward 3 options, A, B and C, and A did not win. I do not know if I can add more.

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

Yes, I do wonder why we have to follow everybody else and not do our own thing. Will the Chairman please ensure that the sub-committee will take cognisance of the Harwood report on the Guernsey electoral system? While I barely dare mention it in these hallowed Chambers, I would venture to say that there are some very good comments in it. Will the Chairman make sure that a copy of it is supplied to the sub-committee?

### **Deputy R. Labey:**

It is interesting that the Senator raises the question of what our sister island is up to in terms of electoral reform. I am not sure we have an awful lot to learn there. **[Approbation]** Why we listen to everybody else is because internationally, as I have just said, we are signed up to Conventions. It is part of the legal framework that Jersey is signed up to these Conventions and they are there, not to protect us and our seats and our re-election, they are there to protect the human rights of the people we serve, to make sure that we are giving them a fair election. The killer sentence in the Electoral Observers' report, after making its comments about our system, was that arguably our system undermines the principle that elections in Jersey are fully genuine. That is the killer sentence and that is why we have to act and we will be acting perhaps sooner than you think.

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

Will the Chairman state what consideration he has given to the introduction of electronic voting in the next elections, working, as he does, with the Council of Ministers, so that we have not got just e-registration, but the potential for e-voting?

**Deputy R. Labey:**

We are very keen on electronic voting, not necessarily online voting. Electronic voting, I think, is very important, so that we can have voting in all polling stations, so we can have the possibility of mobile polling stations. This is all going to help try and get our voter turnout figures up, which is a really important thing to do. We are relying on the Economic Development Department now, who have taken the e-Gov and digital programmes on. We need the electronic People Directory. We need that up and working for the next stage, which is electronic voting, to work.

**5.3.6 Deputy M.R. Higgins:**

The Chairman of P.P.C. mentioned that there were 42 recommendations, if I remember correctly. We do not have to wait for an all-encompassing report. Can he not bring individual propositions such as saying we should all be called Members of the States of Jersey, rather than Deputies, Constables, or whatever? Those types of things could be brought quite quickly, they are a single issue and we can get a quick answer to them.

**Deputy R. Labey:**

That is not a recommendation from the Electoral Observers, but, yes, there will be various measures dribbling through in subsequent months.

**5.3.7 Deputy J.H. Young of St. Brelade:**

The Chairman was critical, or negative, on the Clothier report. Would the Chairman not accept that it was the Clothier report that set in train the entire structure of our Government with ministerial government and that the Electoral Committee recommendations for the electoral system were designed to ensure that ministerial system was put in the proper context? Would he not accept that and take it into account in the work that he is doing?

**Deputy R. Labey:**

Yes, and I was not negative about the Clothier Report; the States Assembly of 2000, or 1999, would have done us all a favour, perhaps, if they had not cherry-picked and had just gone with the entirety of Clothier. It certainly would have saved the Assembly an awful lot of time.

**5.3.8 Connétable D.W. Mezbourian of St. Lawrence:**

If my memory serves me correctly - and I must admit that at times it does tend to play up a little bit - I believe that all 3 Members of the sub-committee have voiced the opinion that the Constables should not be in the States. Is the Chairman able to confirm, or deny, that?

**Deputy R. Labey:**

No, I do not think that is true, it is certainly not true of myself.

**5.3.9 Deputy S.M. Ahier:**

If there were to be a referendum on electoral reform, would the Chairman assure us that we will not engage in the almost chaotic situation we have seen in a nearby Crown Dependency and that there will be a clear yes/no vote on a referendum?

**Deputy R. Labey:**

It will be up to this Assembly whether they want to take proposals to a referendum. I am not fond of referenda myself. I believe we have just had an important referendum, which is the general election, and people elect us and put us here to make these difficult decisions and to work on their behalf. I think that we have already learned the lesson that a referendum that does not provide the people with a yes, or no, binary option, one option, either you like it or you do not, any other referendum is not a good idea and we have seen that with our failures in the past. This Assembly should certainly not be putting a question to the people that it will not then follow up through if that is what they want to do and make it a reality.