

2018.06.26

Senator S.Y. Mézec of the Chairman, Privileges and Procedures Committee regarding the impact of recommendations of the CPA Election Observer Mission on the holding of the referendum on the presidency of the States Assembly: [OQ.69/2018]

How does the committee intend to address any recommendations made by the C.P.A (Commonwealth Parliamentary Association) Election Observer Mission, relating to practical arrangements for voting, in time for the referendum on the presidency of the States Assembly which it is proposed should take place in October?

Deputy R. Labey (Chairman, Privileges and Procedures Committee):

A very good question, a very pertinent question from the Senator. As the Assembly knows, the P.P.C. is yet to be fully constituted so obviously we have not met yet. I have scheduled the first meeting for P.P.C. on this Thursday at 10.00 a.m., assuming the States are not still sitting. I would just say this to the Senator, that when this initiative was decided upon, when it was decided to invite C.P.A. observers to look at our elections, a process was triggered, a process that engages with the outside world, a process that we have to honour, a process that we have to see through to its natural conclusion. It might be considered that if we were to go for another poll, this time in the form of a referendum without regard to the findings, a dim view might be taken of it internationally. **[Approbation]** Thank you. Now, the difficulty is that we are yet to be in receipt of the final report from the election observers, though that is due to arrive sometime in July.

10.9.1 Senator S.Y. Mézec:

I thank the chairman for his comments which I concur with. He says it is a difficulty and he is right. Since it is a difficulty and, let us be frank about this, it is probably impossible to address the concerns that may be raised by the report in time for a referendum in October, is it not the case that it would be much more sensible to not have a referendum in October? Would he be prepared for P.P.C. to discuss this?

Deputy R. Labey:

The Senator will forgive me if I do not give my own opinions here in the name of P.P.C., which has not yet been constituted. I really do want to get the committee together when it is formed to get their opinions and to discuss this matter with them, but it is very definitely on the agenda. If I can explain the timeframe to Members, it might be useful. The law requires that there is a 3-month gap between the passing of a referendum Act and the actual referendum. So if it were to be passed by the Assembly on 10th July, we would have the referendum on 10th October as well, I think, whatever the date is, and we are within the law. If we delay in July, it pushes the possible referendum date to the spring of 2019 because it would be inadvisable, I am sure the Assembly would agree, to hold a referendum, a poll, in the dark, in the winter months. It is simply not on, so that pushes it to the spring of 2019. The difficulty with that is that the original proposition requires the mechanisms and the processes for the election of a speaker, if that is what it is going to be, to happen in January 2019, so we are in some difficulty.

10.9.2 Senator S.Y. Mézec:

The chairman has made a series of useful comments. He has spoken about the dim view that will be taken by the international community if we hold a poll that is not conducted under appropriate circumstances after the observer report has come out.

[12:15]

He has spoken about not having a referendum in the dark. I think that phrase can be interpreted in more ways than one. Would the chairman bring up as an agenda item at the next P.P.C. meeting the idea of having a rescindment proposal brought forward so that we do not have a referendum in October, seeing as, with everything the chairman has already indicated, it sounds like it is impossible to have a good referendum campaign with everything we know that is inevitable at this stage? If it is to take place, does he not agree that it should take place under appropriate circumstances and those circumstances cannot be met as things stand at the moment?

Deputy R. Labey:

Yes, absolutely. The Senator might not be surprised to learn that the Greffier is ahead of us both on this issue and has already been briefing me on the implications. I would just say in closing that there is a chilling sentence in the interim report provided by the election observers on the concerns about the low level of turnout which the report said it was suggested “arguably undermines the principle that the elections in Jersey are fully genuine.” So, we need to proceed with extreme caution and we certainly need to examine very carefully the full report, the full and final report, from the election observers.