

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5. Statement by the Chairman of the Privileges and Procedures Committee regarding the future composition and election of the States:

The Bailiff:

On to K: statements on a matter of official responsibility. The Chairman of the Privileges and Procedures Committee will make a statement on the Committee's proposals on the future composition of the States.

5.1 Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):

At its meeting last week, P.P.C. (Privileges and Procedures Committee) considered the appropriate way forward on the reform of the composition and election of the States following the decision of the States on 26th September 2007 that the term of Deputies should be extended to 4 years from the 2008 elections to mirror the extension of the term of office of Connétable agreed on 19th July 2007. As stated in its comment on Deputy Troy's proposition, P.P.C. believes that an extension of the term of office of Connétables and Deputies without any consequential change to the position of Senator would lead to electoral chaos. As a result, the Committee does not believe that it should bring forward reform of Deputies and Connétables in isolation, as elections would be held at random intervals and the consequential change of membership in the Assembly would make it almost impossible to plan an effective programming of Executive and Scrutiny business for any reasonable period. I would draw Members' attention to the table at the end of this statement, which shows the confusing situation which would arise - if no changes were made - to the position of Senator. Having noted the decision of the States on Connétables and Deputies, the Committee is therefore agreed that reform of the position of Senator must now be debated by the States so that a workable system of elections can be put in place as soon as possible. The Committee believes that the decision to move to a 4-year term for Connétables and Deputies has the inevitable consequence that Senators must also be integrated into a 4-year States cycle. P.P.C. believes that an 8-year term, with half of the Senators being elected every 4 years would be an unacceptable long term of office. P.P.C. has therefore concluded that the only realistic and workable option is for the term of office of Senators to be reduced as soon as possible to 4 years. Although there is clearly support in some quarters for all members of the States to be elected at one time, P.P.C. does not believe that it would ever be feasible or desirable to elect 12 Senators at one time. If that was done, there could be a very significant number of candidates, and electors might cast significantly less than 12 votes. This would mean that candidates elected in 11th or 12th place might have received a very small proportion of votes cast. P.P.C. therefore believe that the number of Senators should be reduced over time to 8, which is the maximum number that the Committee consider can reasonably be elected at one time. In order to achieve a transition to the proposed new structure, P.P.C. will, as a matter of urgency, be bringing forward legislation for debate to provide for the following: (1) an election for Connétables in the autumn of 2008 which any of the 12 Connétables will be able to participate in on a voluntary basis. Those that do will serve for 4 years until 2012 with any who choose not to participate having their subsequent term of office curtailed to end in 2012. In that year all 12 Connétables will definitely be elected on one single day. (2) An extension to the term of office for all Deputies to 4 years from 2008. (3) An election for only 4 Senators in 2008 with the successful candidates serving for 4 years until 2012. The legislation would further provide that 4 more Senators would be elected in 2011 at the expiry of the term of office of the 6 Senators elected in 2005. These 4 Senators would then serve for 5 years until 2016 when all 8 Senators would be elected on one single day for a 4-year term. P.P.C. will propose that the Senatorial and Connétable elections should be held on the same day with the Deputies election following shortly after, as happens at present. Under the above proposal, the membership of the Assembly will reduce to 51 from 2008 and to 49 from 2011. P.P.C. wishes to stress that this

reduction is a consequence of the decision to move towards a manageable number of Senators in an election process. P.P.C. believes that steps need to be taken in due course to review the current distribution of Deputies across the Island, as it is possible that any such review could result in an increase in the number of Deputies. In the short term, P.P.C. will bring forward, in parallel, proposals on the maximum size of the Executive to ensure that the balance between the Executive and the non-Executive is not affected. P.P.C. is aware that some will criticise moves to align the terms of Senators with other Members and some may claim the position of Senator will become less attractive and devalued. As a result, P.P.C. nevertheless sees no realistic and workable alternative if the States are to give effect to their decision on the term of office of Connétables and Deputies. The Committee will bring forward legislation for debate as soon as possible so that changes can be in place for the 2008 election. It will of course be open to any Member who disagrees with P.P.C.'s suggested way forward to bring amendments to that legislation in the normal way.

5.1.1 Senator P.F.C. Ozouf:

Does the Chairman not accept that this is frighteningly tinkering with our constitutional position? Does he really believe that this Assembly can agree to effectively take a pickaxe to the Senatorial mandate, effectively allowing those people who stand for Senator next year unable to stand for Chief Minister, myself not included? Is he saying that you can reform Senators without reforming 29 Deputies and is he proposing anything in his statement about the reorganisation of the 29 Deputorial seats?

The Connétable of St. Clement:

I do not say there is any problem with the 4 Senators elected becoming Chief Minister. I do not see there is any problem there at all. They have to be elected by the House anyway, but I cannot see what problem the Senator is proposing. I think we might be accused of being piecemeal, but I do not think we are. I think what we are trying to do is to rectify the piecemeal decisions of this Assembly that has agreed on the Connétables doing 4 years and the Deputies doing 4 years without addressing the Senators. That is what P.P.C. are trying to do to address this problem.

5.1.2 Senator P.F.C. Ozouf:

Can I just confirm: no reform of the 29 Deputorial seats, yes or no? No reform of the makeup, number, allocation of Deputorial seats, yes or no?

The Connétable of St. Clement:

I think I said in my statement that is a possibility but at this stage we have not looked at it. The 29 Deputies will still be in place. I really cannot see the problem. It will have to be addressed, I think, but not at this stage. We cannot have this piecemeal position being extended.

5.1.3 Deputy C.J. Scott Warren:

I think I may have already the answer to the question I was going to ask, which is whether Privileges and Procedures have discussed their proposals with the Senators. Also has Privileges and Procedures considered that if you kept 12 Senators assigned with an Island-wide mandate, they could possibly be linked-in, each Senator, with a Parish to bring U.K. and international issues to Parish Assemblies? I think that I would like comments regarding whether he considers sufficient discussion has taken place to bring this statement.

The Connétable of St. Clement:

I think that is the Deputy's opinion; it is not P.P.C.'s opinion. Nevertheless, I did say in my statement that it is open to any Member who disagrees with P.P.C.'s suggested way forward - and it is only a suggested way forward - to bring amendments to that legislation. I would suggest the Deputy did that.

5.1.4 Deputy C.F. Labey of Grouville:

As these proposals in effect give no incentive whatsoever to stand for the office of Senator, does the Chairman not feel obliged to bring forward some sort of incentives; for example, only Senators to become Ministers, a term of office of Deputy has to be served before coming a Minister, et cetera? These proposals are, in effect, going to do away with the Island-wide mandate.

The Connétable of St. Clement:

Of course that is quite possible, but what P.P.C. are trying to do - and I keep on emphasising this - is to make it sensible that we do not have Senators at vast odds to the rest of this Assembly. They are elected at different periods and different times and I would again draw the attention of the Assembly to the table that we gave to see how impossible it would be to have any way forward for the Ministers to act.

5.1.5 Deputy G.W.J. de Faye:

The table being put forward as supporting the case for so-called electoral chaos gives voters a greater opportunity to have their say in their representatives and the workings of this States than anything I have seen previously. Given that that appears to be increasingly the value of democracy in the Island, I wonder whether the Chairman has any further evidence to support his pejorative claim that this is leading to electoral chaos. I would also like to know - and I think we need to know this as a matter of urgency - what is the evidence that indicates it is an inevitable consequence - an inevitable consequence - that Senators must be integrated into a 4-year cycle, when I see absolutely no correlation between the roles of Senators and Deputies and Connétables of that type. Also, would the Chairman explain why he is concerned about Senatorial elections where he claims it could mean, if 12 are elected at one time, that candidates in 11th or 12th place might receive a very small proportion of the votes cast, when he knows full well that Connétables and Deputies are regularly elected unopposed with no votes to their accreditation - no votes to their accreditation whatsoever? Given his Committee's track record in electoral reform, does he not think it is time to give up on it?

The Connétable of St. Clement:

That is the Deputy's opinion. We have tried to make a rational way forward out of, I think, a completely confused position. That is all we are trying to do; it is up to this Assembly to decide whether they approve that way forward or not.

5.1.6 Senator J.L. Perchard:

Would the Chairman of P.P.C. agree that Members look to him and his Committee for leadership and regretfully it has been sadly lacking when it comes to constitutional reform? Could I remind the Chairman that he sought the opinion of Islanders through the M.O.R.I. (Market and Opinion Research International) poll? I will quote the most stunning of statistics the M.O.R.I. poll produced. That is 46 per cent of people polled wished to retain those selected on an Island-wide mandate. The Chairman has just conceded to a question from the Deputy of Grouville that the Island-wide mandate is now unlikely to survive the reconstitution of the States. Does that mean he is ignoring the views of those polled in the M.O.R.I. poll?

The Connétable of St. Clement:

Can I just correct the Senator; I did not say that it would lead to the demise. What I said was it was possible that it would, agreeing with the Deputy of Grouville who suggested that might be a way forward. I would draw the attention of the Senator again to the fact that in July we did bring forward a comprehensive reform proposition to the States, which had all the elements of reform and it was rejected by the States. They instead decided that they would prefer to have piecemeal reform; in other words, reform the length of office of the Connétables and then later, because the

House agreed to that, to reform the length of office of the Deputies. The Committee therefore feel that if those 2 reforms go ahead then the Senators' length of office must also be addressed and that is what exactly we are trying to do.

5.1.7 Deputy P.V.F. Le Claire:

I think we are in danger of reopening the debate rather than seeking clarification from the Chairman as to what exactly he is saying in his statement to us today. I understand and accept that the proposition that is being brought forward, for whatever reasoning occurred on the day, will be amendable, and therefore this is also something that can be factored-in. Given the overwhelming consideration in relation to the reduction or withdrawal of membership of the Assembly to referenda, what consideration was given, if any, to these decisions being put to the people in a referendum?

The Connétable of St. Clement:

The Committee has not considered that at this stage because they felt that the need was urgent if the reforms were to be put in place in 2008.

The Bailiff:

That is the end of the period allowed for questioning of the Chairman.