

STATES OF JERSEY

Corporate Services Scrutiny Subpanel Electoral Reform

FRIDAY, 19th MAY 2017

Panel:

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman)

Senator S.C. Ferguson

Deputy K.C. Lewis of St. Saviour

Connétable M.P.S. Le Troquer of St. Martin

Witnesses:

Chairman, Privileges and Procedures Committee

Deputy Greffier of the States

[15:31]

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman):

The Corporate Services Scrutiny Subpanel are here looking at the electoral reform and, in particular, the amendments and main proposal that is going to be debated by the States on 6th June. Connétable, well, actually “chairman” I guess is how we should be referring to you, should we not?

Chairman, Privileges and Procedures Committee:

Call me “Len”.

Deputy J.A.N. Le Fondré:

No, we are not going to go that way. We will stick with “Connétable”. Obviously you are aware of the notice to your right, hopefully, and can note to acknowledge that.

Chairman, Privileges and Procedures Committee:

Okay.

Deputy J.A.N. Le Fondré:

And the Deputy Greffier, ditto please.

The Deputy Greffier of the States:

Yes.

Deputy J.A.N. Le Fondré:

To members of the public who are in the public seating, could you please note that there are no interruptions to be taken from the public seating during the hearing and no electronic devices should be allowed to interfere with the proceedings? For the benefit of the recordings, my name is Deputy John Le Fondré, chairman of the subpanel.

Deputy K.C. Lewis of St. Saviour (Vice-Chairman):

Deputy Kevin Lewis, vice-chair.

Connétable M.P.S. Le Troquer of St. Martin:

Constable Michel Le Troquer, Parish of St. Martin.

Senator S.C. Ferguson:

Senator Sarah Ferguson.

Chairman, Privileges and Procedures Committee:

Constable Len Norman, chairman of Privileges and Procedures Committee.

The Deputy Greffier of the States:

Lisa Hart, Deputy Greffier.

Deputy J.A.N. Le Fondré:

Thank you very much, and welcome. Let us commence. Can you explain the process that P.P.C. (Privileges and Procedures Committee) has gone through in lodging P.18/2017?

Chairman, Privileges and Procedures Committee:

Yes, very simple. The States made a very clear decision on 2nd February and the committee then were requested by the States to bring forward the appropriate legislation to implement that

decision; so our first meeting after that States sitting we agreed that we would instruct the law draftsman to prepare the appropriate legislation.

Deputy J.A.N. Le Fondré:

There have been no other additions to that process, it was a straight ... there has been no consideration?

Chairman, Privileges and Procedures Committee:

The States gave us a very clear instruction of what they wanted and we have implemented that legislation to the letter.

Deputy J.A.N. Le Fondré:

Thank you. In your view, do the proposals in P.18 and its 2 amendments conform with the guidelines for changes to electoral reform advised by the Venice Commission?

Chairman, Privileges and Procedures Committee:

The Venice Commission is advisory and they provide guidelines, and I think perhaps the question you should be asking is: do our present arrangements meet the guidelines of the Venice Commission? They do not.

Deputy J.A.N. Le Fondré:

That was not the question I was asking.

Chairman, Privileges and Procedures Committee:

That is the question you should be asking. What we can say, with absolute clarity of certainty, is that the proposals, firstly Senator Farnham's amendment, which the States approved, improves the situation by about 50 per cent, and Deputy Lewis's amendments improve the situation a little bit more than that.

Deputy K.C. Lewis:

That is Deputy Andrew Lewis of St. Helier.

Deputy J.A.N. Le Fondré:

Yes.

Chairman, Privileges and Procedures Committee:

That is the one.

Deputy J.A.N. Le Fondré:

Is that on the basis of what Deputy Andrew Lewis has identified in the figures in his addendum that has been attached to P.18?

Chairman, Privileges and Procedures Committee:

I have not read his addendum fully but what we did, all of the proposals and amendments, and some which did not see the light of day, before the in principle vote and the legislation, we had checked out by an independent person called Professor Ian Maclean, who checked it out and gave us all these figures.

Deputy J.A.N. Le Fondré:

Okay, we will come back to that in a second.

Chairman, Privileges and Procedures Committee:

I think they are contained in our comments, which were appended to the ...

Deputy J.A.N. Le Fondré:

On P.18 or P.133.

The Deputy Greffier of the States:

P.133.

Chairman, Privileges and Procedures Committee:

P.133. P.18 reflects exactly the decision made on P.133.

Deputy J.A.N. Le Fondré:

Just to go back then to ask the question that we were asking, not the question we should have been asking, in your view: do the proposals in P.18 and the 2 amendments conform with the guidelines for changes to electoral reform advised by the Venice Commission?

Chairman, Privileges and Procedures Committee:

They significantly improve on the situation we have at present.

Deputy J.A.N. Le Fondré:

But how do they conform with the present proposals? How do the present proposals conform with the Venice Commission guidelines.

Chairman, Privileges and Procedures Committee:

The proposals ... as I say, currently ...

Deputy J.A.N. Le Fondré:

No, we are asking about ...

Chairman, Privileges and Procedures Committee:

Hang on. Currently, 82 per cent of the total population are outside of the Venice recommendations. Under Deputy Andrew Lewis of St. Helier's scheme it would be 48.7 and under the proposals agreed by the States it would be 51.38, so we have a significant improvement.

Deputy J.A.N. Le Fondré:

Okay. Right, can you confirm that the 6 districts contained in the draft law lodged by P.P.C. exactly implement the decision made by the States in February of this year? I think you have done so.

Chairman, Privileges and Procedures Committee:

They are the ones the States agreed to. I looked at this in case we missed something.

Deputy J.A.N. Le Fondré:

No, that is a "yes" then, I take it. How do they relate to the referendum that was held in 2013?

Chairman, Privileges and Procedures Committee:

Not 100 per cent sure but they are a bit different. They are somewhat different. But I cannot remember what they are.

The Deputy Greffier of the States:

The differences are with how the east, north and west are put together. They are slightly different, the numbers are slightly different.

Deputy J.A.N. Le Fondré:

Are there any other differences that you are aware of?

The Deputy Greffier of the States:

Ever so slightly. One of the vingtaines I think has moved over.

Deputy J.A.N. Le Fondré:

I believe that there are 2 extra Members of St. Helier as opposed to the other districts.

Chairman, Privileges and Procedures Committee:

Sorry, I did not hear.

Deputy J.A.N. Le Fondré:

I believe there are 2 extra Members voted in St. Helier compared to the other districts.

The Deputy Greffier of the States:

But that is reflective of what was agreed in February.

Deputy J.A.N. Le Fondré:

Yes, but I am saying relative to the 2013 referendum.

The Deputy Greffier of the States:

Yes.

Deputy J.A.N. Le Fondré:

Do we agree? Okay. In P.18/2017 it states you will be bringing decisions regarding the detailed implementation of these changes to the States for debate before the summer recess. When will they be lodged?

Chairman, Privileges and Procedures Committee:

That is from the Public Elections Law.

Deputy J.A.N. Le Fondré:

I see.

Chairman, Privileges and Procedures Committee:

Well, we can't work on those until we know for certain which scheme, if any, the States are going for because then we have to work out the voting districts, where people are going to vote, arrangements for recounts, things like that.

The Deputy Greffier of the States:

We have already held preliminary discussions in the Parishes with Parish Secretaries and I have been in talks with the law draftsman and we have started the process assuming this is going to go through. But obviously that has not been brought to committee yet for P.P.C. to look at because we have to wait for a decision from the Assembly.

Chairman, Privileges and Procedures Committee:

The thing about nomination meetings, currently they are held at various Parish Halls. I will have, for example, my district, St. Clement will be merged with Grouville, so we will have to decide where the nomination meeting will be, whether it be one of the Parish Halls or a neutral venue.

The Deputy Greffier of the States:

There is a huge amount of practical issues that need to be looked at. We have started the ball rolling and the idea that we are taking is that it would be evolution not revolution and as much as possible we would try and maintain the system to reflect how it is now so that the public, in light of these major changes, would still feel comfortable about where they went to vote, it would still be Parish-based. Obviously that is still up for discussion with the committee.

Chairman, Privileges and Procedures Committee:

That would make sense because we are still going to have the Constables elected on a Parish basis and people normally go to their Parish Hall to vote. Obviously St. Helier has a number of districts where people go and vote.

The Deputy Greffier of the States:

The Electoral Register would remain parochial based so that, for instance, for Grouville and St. Clement, if that went forward, it would still be that you were registered in Grouville or St. Clement and that is where you would go to vote on the voting day in St. Clement if you lived in St. Clement.

Deputy J.A.N. Le Fondré:

Is that a permanent suggestion or is this just a temporary suggestion?

The Deputy Greffier of the States:

For this time round, then obviously we would review it going forward.

Deputy J.A.N. Le Fondré:

Because the theory here is that you will now have a super-constituency for Grouville and St. Clement, to use them as an example, so why should constituents in St. Clement not be able to go and vote at the Parish Hall of Grouville?

Chairman, Privileges and Procedures Committee:

Sorry, I could not ...

The Deputy Greffier of the States:

Why should not somebody from St. Clement be able to go and vote in Grouville? Just from a practical perspective at the moment, until we have got an electronic voting system where people

can vote electronically in the Parish Hall, it would be very difficult to ensure that somebody did not double vote.

Chairman, Privileges and Procedures Committee:

It is basically security. If people are going to be voting for not only Deputies but also the Senator and Connétable, so if people were able to vote at any polling station they wished then every polling station would have to have as many ballot papers as there are constituencies. That would be a huge logistic exercise with risk of fraud and risk of error, which we would want to avoid at this stage. But as technology advances ... I mean that is what we want to see, is the people to be able to vote at whichever polling station would suit them. Currently, of course, they do have a number of options like pre-poll voting and so on.

Deputy J.A.N. Le Fondré:

So very briefly, I am just trying to make sure we have got it down. I think we have referred to part of it. What are the changes that you are looking at ... you are examining to the election process at the moment?

The Deputy Greffier of the States:

Looking at in the super-constituency who would be the main *Autorisé* because obviously at the moment that is a parochial thing. So you would need to have one that was overarching, a principal one for the district, where the ...

Chairman, Privileges and Procedures Committee:

That has already been approved.

The Deputy Greffier of the States:

Yes. Where the nomination night would be held. That is something we have mooted that could possibly be done by rota within the constituency, that the Constables would get together and determine where it would be for that particular election. Some of the nitty-gritty surrounding the creation of the ballot papers to make sure that there was a consistency within the constituency. It is very much the practicalities of running an election that we have been looking at.

Chairman, Privileges and Procedures Committee:

Where the count would be held.

The Deputy Greffier of the States:

Who announces the count, all of that sort of thing.

Chairman, Privileges and Procedures Committee:

What the arrangements would be for a recount and so on.

Deputy J.A.N. Le Fondré:

That gives us a flavour, that is fine. I am just aware there is, as everyone, a time limit on the hearing. You said you started speaking to some of the stakeholders, such as the Parish Secretaries and everyone else, have they expressed any comments on the proposed reforms?

The Deputy Greffier of the States:

Only in terms of the practicalities of how it is implemented. Obviously it is a new system so there is bound to be some degree of ... people wanted to make sure that the system works. We have not got a huge amount of time.

Deputy J.A.N. Le Fondré:

Thank you. Next question: P.18 refers to the Venice ... well, I think just to again pin this down. I think we touched on it. The Venice Commission Code of Good Practice in electoral matters, now are they legal obligations or just advisory?

Chairman, Privileges and Procedures Committee:

Advisory, they are guidelines.

Deputy J.A.N. Le Fondré:

Thank you, that is fine. Now do you consider if we are implementing some of the changes we should be implementing all of the relevant advice listed in the Code of Good Practice?

Chairman, Privileges and Procedures Committee:

Sorry, I do not understand that.

Deputy J.A.N. Le Fondré:

Do you consider that if we are implementing some of the changes we should be implementing all of the relevant advice listed in the Code of Good Practice?

Chairman, Privileges and Procedures Committee:

I do not understand the question.

Deputy J.A.N. Le Fondré:

Well, reference keeps getting made to the Venice Commission's Code of Good Practice; that is one of the justifications for the various changes that are coming through. So if we are using part of

the Venice Code of Good Practice should we be using the rest of the evidence of the ... should we be giving equal weighting or equal balance to the rest of the elements of the Venice Code of Good Practice as well?

Chairman, Privileges and Procedures Committee:

What is more important to me, and it is up to the States to decide that, is that we improve the equity in voting and the proportionality in voting. This all started off in many ways because of the over-representation in many areas and under-representation in others and it is good practice to have as close as practical every elector having the same number of votes, which they clearly have not got at present, and that each of those votes should have equal weight, in other words, constituencies of similar sizes and with similar numbers of seats available. That is the most important thing.

The Deputy Greffier of the States:

One of the elements that we perhaps have not achieved in line with Venice Guidelines, and that is not for any want of trying, was the fact that Venice really suggests that you should not be making any amendments to any kind of electoral legislation in the 12 months preceding an election. We worked very hard to get behind the scenes to get our work done in time for that timeframe. But obviously it is beyond our control now because of the way that the Assembly has proceeded, that we have dipped into the twelfth month run-up to the election.

[15:45]

Deputy J.A.N. Le Fondré:

Yes, because even so it would have been very tight.

The Deputy Greffier of the States:

It would have been.

Deputy J.A.N. Le Fondré:

Just to go back to the equity in voting then, which you said was pretty important, how would you like to comment then that St. Helier now, under the main proposals, will have 6 votes in each district and everybody else will have 4 votes in each district?

Chairman, Privileges and Procedures Committee:

That clearly is a minor anomaly but it is a significant improvement on what we have now. For example, St. Saviour is over-represented at the moment and St. Clement is under-represented, St.

Lawrence is over-represented, I think, Grouville is under-represented. So what we are trying to do is equalise it as much as reasonably possible.

The Deputy Greffier of the States:

Do not forget that the figures there do not include the representation from the Constables, so one of the super-constituencies where you have perhaps 4 Parishes joined together you add in the representation of those 4 Connétables to the mix.

Deputy J.A.N. Le Fondré:

Thank you for that comment because it is bang on cue for my next question. If we could refer to the addendum that Deputy Lewis has produced, which you said was verified by Professor Maclean. Just using ... I will have to be fairly quick, but if we look at ... I do not think it particularly matters which particular one we look at, but for simplicity, let us use the one on page 3, which is the district proposed in Deputy Andrew Lewis's addendum, it is Senator Farnham's. You should have a copy in front of you. Using this as an example, and just hopefully looking for a fairly quick comment. I do not really mind which district we use, we can either use 3 or 4 as an example, depending if you have got Connétables from both present. The point is that in that calculation the third column talks about number of representatives and has 6 in each one, which is basically 4 Deputies and 2 Constables. As I understand it, it then divides the population by those 6 representatives to say this is the representation per elector or per head of population, I guess, for that super-constituency. However the query we wanted to raise, and it may have been covered but we just thought we would raise it because we were not clear on the answer, whichever Parish you use, but let us use Grouville, they will vote for the Connétable of Grouville but they will not be able to vote for the Connétable of St. Clement and one would assume that in terms of representation that the Constable of one Parish is not necessarily going to represent parishioners in another Parish. So the query is in terms of the calculations: why they are using 6 as the number of people that are representing them rather than 5, for example.

The Deputy Greffier of the States:

This is Deputy Lewis's addendum.

Deputy J.A.N. Le Fondré:

He says it is based and been verified by Professor Maclean.

Chairman, Privileges and Procedures Committee:

Yes.

Deputy J.A.N. Le Fondré:

Who is the adviser that you have used.

The Deputy Greffier of the States:

These specific calculations have not been shown to Professor Maclean.

Deputy J.A.N. Le Fondré:

They have not been?

The Deputy Greffier of the States:

No.

Deputy J.A.N. Le Fondré:

He has categorically told us in a hearing 3 days ago ...

Chairman, Privileges and Procedures Committee:

Well he may have done but not through us.

The Deputy Greffier of the States:

Yes, he might have sent them to Professor Maclean but we have not sent anything to Professor Maclean since February.

Deputy J.A.N. Le Fondré:

Okay. In which case we might need some clarification. It just strikes us an anomaly in terms of the calculations but we are seeking a response. We thought it maybe ... yes. As to why in terms of the calculations we would have thought it would be 5 in that instance because there would be 4 Deputies across the super-constituency, 2 Parishes, but one Constable in that Parish. Would you like to comment as a principle what you think?

Chairman, Privileges and Procedures Committee:

If we are going to start thinking about things like that you are going to have to go back to basics. If we had a clean sheet of paper we would not have 3 different types of States Members.

Deputy J.A.N. Le Fondré:

No, sorry, what we are trying to do is get some ... we were informed that this had been told and verified by Professor Maclean ...

The Deputy Greffier of the States:

Not this ...

Deputy J.A.N. Le Fondré:

... so we had rather assumed you had had that kind of conversation and therefore there was a principle behind it. So you are saying no?

The Deputy Greffier of the States:

The comments that were produced by P.P.C. back in February, the figures contained within those comments were produced by Professor Maclean. But these have not been unless Deputy Lewis sent them to him himself.

Deputy J.A.N. Le Fondré:

We will have to get some confirmation then. A further query I think just exploring then, we have got to shift a little bit, is in relation again to the Venice Commission: would you agree with abolishing the Parish system to reach 100 per cent equality?

Chairman, Privileges and Procedures Committee:

Would I agree?

Deputy J.A.N. Le Fondré:

Yes.

Chairman, Privileges and Procedures Committee:

Would I agree with abolishing the Parish system? Are you asking me that as a Constable, as a States Member, or chair of the P.P.C.?

Deputy J.A.N. Le Fondré:

As chairman of P.P.C.

Chairman, Privileges and Procedures Committee:

That is not our mandate. Our mandate is to bring forward the law changes, the legislation to implement a States' decision, and that is what we are doing. Nothing more, nothing less.

Deputy J.A.N. Le Fondré:

Okay, but the point we were exploring earlier is about improving voter equality.

Chairman, Privileges and Procedures Committee:

Yes.

Deputy J.A.N. Le Fondré:

So the theory is that they do recognise then that the Parish boundaries, and within the Venice Commission there is recognition that I think it is ancient and cultural boundaries should be respected.

Chairman, Privileges and Procedures Committee:

The States made a decision which totally respected the Parish boundaries and P.P.C. have brought forward legislation to implement that decision and have not changed it one dot. So we are recognising that the Parish ... respecting the Parish boundaries.

Deputy J.A.N. Le Fondré:

Okay.

Chairman, Privileges and Procedures Committee:

I mean if the States voted to get rid of the Parish boundaries then we would have brought forward that legislation, but they did not. We can only bring forward what the States have decided.

Deputy J.A.N. Le Fondré:

We were just extending the argument around the equality of vote just to gauge a response. Thank you. Very quickly, there were surveys done by a former P.P.C. back in 2006, 2007, which I think was the based on Mori and some other surveys as well. Did the present P.P.C. in its earlier work review and consider the findings in those surveys?

Chairman, Privileges and Procedures Committee:

The reform debate has been going on for 17 years. We have had the Clothier panel, we have had Mori polls, we have had referenda, we have had consultation, we have had Parish meetings, we have had meetings at Fort Regent where hundreds and hundreds of people turned out. We had *Evening Post* polls ...

Deputy J.A.N. Le Fondré:

It is a very simple question actually.

Chairman, Privileges and Procedures Committee:

It may be a simple question, John, but the thing is at the end of the day States Members, if they are going to support any type of reform, have got to be cognisant of all of those things that happened, not just one or 2. As you say it happened in 2006. Almost every single one of those conflict. You can find polls which tell you we have got to keep the Constables. You can find polls to say we have got to keep the Senators. You can find polls that say we have got to keep the

Deputies. You can find polls that tell you we have got to reduce the number of States Members, but we do not want any change. At the end of the day States Members have got to be cognisant of all those, understand it and concentrate on it, interpret it and make the decision. It does not matter how many polls, referenda or consultation exercises or Parish Hall meetings you have, at the end of the day there is only one group of people who are going to make the decision, if they have the courage to make the decision, and that is the States Members.

Deputy J.A.N. Le Fondré:

Just to be clear then: was that data ... in terms of the work that your present committee was doing during last year and the early parts of this year, that data was considered as part of the work?

Chairman, Privileges and Procedures Committee:

Of course.

The Deputy Greffier of the States:

But I think when we started out this time round recognising what had gone before the whole attitude was to try and produce some kind of consensus here. That is why we held the meetings that we did where States Members used the voting buttons. So we did not dismiss what had gone before but we wanted obviously to gauge the opinion of the current Assembly and see whether there was a possibility of finding some middle ground among those Members who would ostensibly be voting. So it was not discounted, it was always there. I mean we have got pages of what has gone before that we were very much aware of.

Deputy J.A.N. Le Fondré:

So it has been referred to in the documentation the committee considered?

The Deputy Greffier of the States:

Absolutely.

Chairman, Privileges and Procedures Committee:

It is in our comments as well.

The Connétable of St. Martin:

We have had 2 and a half years of States Members having lunchtime presentations and trying to help, because what seems to be coming across ... I know, chairman, it is very difficult. The States Members could not decide. You could not get agreement between the Members in these informal discussions and during the lunchtime presentations that we have had. I do not know if you are continuing with it, you might be able to tell us, or if you had abandoned and tried to progress and

an individual Member has come up, with no consultation of the public on this by that individual Member ... what we have seen so far from 2 presentations, 2 evenings, is that they do not know. They have no idea. I think, chairman, you have just said that the States Members have got to decide. Something as important as this is that States Members actually decide or the public?

Chairman, Privileges and Procedures Committee:

Legally, technically and absolutely, at the end of the day, States Members have got to decide. The most clear example of this, we had a referendum following Senator Bailhache's Electoral Commission which came out with a quite clear result in a manner ... and the referendum was held in the manner approved by the States but States Members said: "No, do not like that, so we are not going for it." So there is no question at the end of the day the only body that can decide on any reform are States Members. But States Members should be cognisant of the wishes and will of the people. You have got to be very careful when you start doing that because there is such a contradiction in people's views.

The Connétable of St. Martin:

I know you speak very strongly, and you did in the Assembly, of not rushing things in the 17 years it has taken but this is a rush.

Chairman, Privileges and Procedures Committee:

With respect, I did not say that, Constable.

The Connétable of St. Martin:

I cannot remember the exact words, chairman.

Chairman, Privileges and Procedures Committee:

I criticised the Constable sitting next to me for saying we were doing it in a rush.

The Connétable of St. Martin:

But it was taken out of context maybe. This is a rush. The changes have been ... 17 years, I absolutely agree with you. That has not rushed. It has been far too slow. But what we are having to vote on, and what all Members are going to have to vote on in the next 3 weeks, has been rushed because we have got this convention we are trying to beat, we are trying to get into the 12-month for next year, we have already passed that date now.

Chairman, Privileges and Procedures Committee:

That is the view and that is a political view which you are totally entitled to have. The real question I say is we have an opportunity here to improve representation for individual voters. It is up to

States Members, all of us, to decide if that is something ... it is not perfect, we know that. It is not ideal, we know that. But it is a significant improvement on what we have at present. Now you can see it as a step in the right direction, a large step perhaps in the right direction. Or you might think it is a bad step in the wrong direction and you will cast your vote accordingly. That is your right. In fact not only is it your right, it is your duty to vote according to your conscience and your belief.

Deputy J.A.N. Le Fondré:

Just to go back, do you think the public is aware and understands the changes being debated on 6th June?

Chairman, Privileges and Procedures Committee:

Those who are interested in reform, those who are interested in the activity of the States, certainly do. I mean I went to the meeting in St. Saviour the other day, pretty pathetic turnout, was it not? St. Helier, I believe, a day or 2 ago, which I could not go to, somebody told me there was about 15 to 20 people.

Deputy J.A.N. Le Fondré:

It was less.

Chairman, Privileges and Procedures Committee:

So, to be honest with you, what that tells me is the people are saying: "Look, you guys, you have been debating this for 17 years, make your minds up and get on with it."

Deputy K.C. Lewis:

We did have to get things together very, very quickly. Officers were working all hours just to get the press sorted and everything. So people did not get much notice of the actual events happening.

Chairman, Privileges and Procedures Committee:

If people were really concerned about it, Deputy, they would have been there in their hundreds. What was amusing as well about that meeting, a number of the people who were there were telling us how awful the States were. How awful the Council of Ministers is with the Innovation Fund and all this sort of thing. How awful the Constables were for voting *en bloc*. "But we do not want any change." That is what they are telling us, the ones that were there. It is funny.

Deputy K.C. Lewis:

They were saying they do not want any change.

Chairman, Privileges and Procedures Committee:

The ones that were speaking at the meeting at St. Saviour's Parish Hall. I was not at the St. Helier one.

Deputy K.C. Lewis:

But they do not want any change. I think it was a similar outcome in St. Helier. But we will see within the next 3 meetings where we go with that.

Deputy J.A.N. Le Fondré:

So just to be clear: what steps have P.P.C. taken to inform the public on P.18.

Chairman, Privileges and Procedures Committee:

We have lodged and distributed the proposition. It is on the website, as every proposition is. You remember, this is not P.P.C's proposition per se; it is putting into law, into legislation, what the States have decided they wished to do.

The Deputy Greffier of the States:

We have also put some bits on vote.je as well, and highlighted the work that the panel is doing in respect of this.

Deputy J.A.N. Le Fondré:

So there have not been any notifications?

[16:00]

The Deputy Greffier of the States:

No.

Deputy J.A.N. Le Fondré:

Or any particular efforts to explain to the public?

The Deputy Greffier of the States:

Our main focus will be if it is approved by the States to be pushing forward to ensure that there is a proper education programme for everyone in line with what we normally do, but obviously ratchet it up in order to cover the new system because we do not want a situation where people feel that they do not know where they are to vote, they do not understand the system. That is not the purpose of making ...

Chairman, Privileges and Procedures Committee:

We want to keep the whole thing familiar.

Deputy J.A.N. Le Fondré:

But that will be around the practicalities basically?

The Deputy Greffier of the States:

Yes.

Deputy J.A.N. Le Fondré:

Okay. How do you think the proposed ... I think this is probably with you wearing your Constable's hat, Connétable. How do you think the proposed super-constituency model will impact on the functioning of the Parish system going forward?

Chairman, Privileges and Procedures Committee:

It should not. It should not impact on it at all.

Deputy J.A.N. Le Fondré:

So you think it will have no impact?

Chairman, Privileges and Procedures Committee:

It should not do. The Parishes remain exactly as they are now with their functions, with responsibilities and duties exactly as they are now. I mean Deputies will still have the ability to come to Parish Assemblies if they live in a particular Parish. I am sure they will also have the right to go to the ... in my constituency, if there is a Deputy who lives in St. Clement, who is also representing Grouville, I am sure he or she will be entitled to go there - there will be a little bit in the Public Elections Law - to attend but not to vote, I imagine, because that would be ... But there is no reason that I can think of where the Parish system should be ...

Deputy J.A.N. Le Fondré:

Exploring just one question, we have got a couple of questions left, so we have to be fairly brief. Where a Deputy's presence is simply embedded in things like Parish Accounts Committees, Ecclesiastical Committees and things like that, do you think they will be removed if they are no longer Parish Deputies?

Chairman, Privileges and Procedures Committee:

Why? Why should they?

Deputy J.A.N. Le Fondré:

Well, they will no longer be attached to that Parish?

Chairman, Privileges and Procedures Committee:

No, they will represent a number of Parishes ... well, they will be elected by a number of Parishes. If the Parish ... you spoke about the Accounts Committees. If the Parish Assembly wishes to appoint Deputies to their Parish Accounts Committee that is not a problem. They can appoint whoever they wish.

The Connétable of St. Martin:

They could appoint 4 to the same district.

Chairman, Privileges and Procedures Committee:

They could.

The Connétable of St. Martin:

So they would be representing 4 Parishes but at the meetings ...

Chairman, Privileges and Procedures Committee:

I mean, just to take a simple one, Grouville and St. Clement's ...

The Connétable of St. Martin:

Or St. Martin's.

Chairman, Privileges and Procedures Committee:

It would be lovely if we had St. Martin as well, it would be great. But there is no reason why a Deputy who lives in St. Clement could not be on the Grouville Accounts Committee because they are also representing that Parish in the States.

Deputy J.A.N. Le Fondré:

Okay, let us keep going.

Deputy K.C. Lewis:

Do you think there is a deficit there inasmuch, for instance, under the original proposition St. Saviour will be joined with St. Martin - St. Martin also a wonderful Parish - but do you think there is a deficit in the fact that should I be re-elected to St. Saviour and St. Martin the fact that I could vote in St. Saviour in Parish matters but I would have no vote whatsoever in St. Martin on Parish matters. I would be there merely as an observer even though I can act on behalf of parishioners.

Chairman, Privileges and Procedures Committee:

Yes. That is exactly the position at present. You, as a St. Saviour resident, could be elected as a Deputy for St. Martin and you would not have a vote in the Parish Assembly. You could attend and ...

Deputy K.C. Lewis:

That is what I am talking about. That is my point.

Chairman, Privileges and Procedures Committee:

That is the situation now. That would not change.

Deputy J.A.N. Le Fondré:

Right, let us keep going. Can I ask probably for the Deputy Greffier but would be interested in the comments from the chairman as well of P.P.C. On all the proposals I think in front of us we are facing even numbers of States Members, correct? Either 48 or 44. Now my understanding, if you could confirm this is correct firstly, is that using 48 Members, as an example, that would mean you would have to achieve 25 votes pour a proposition for it to be approved but you would only need to achieve 24 votes to block a proposition, is that correct?

The Deputy Greffier of the States:

In terms of a proposition to change the composition in relation to the States?

Deputy J.A.N. Le Fondré:

No, any proposition in the States, any debate, if the States is fully ...

The Deputy Greffier of the States:

Your quorum would be ...

Deputy J.A.N. Le Fondré:

No, not worried about quorum

The Deputy Greffier of the States:

But that is all that would be affected here because at the moment it is just one vote.

Deputy J.A.N. Le Fondré:

If the States is full, so everybody is present, any debate, not a constitutional one, and there are 48 Members present, how many people will you need ... assuming everybody is there and votes, how many people would need to vote in favour of the proposition for it to be approved?

Chairman, Privileges and Procedures Committee:

Standing Orders require for a proposition to be approved it needs a majority of one. If it is a tied vote the proposition is considered to be defeated. That would not change.

Deputy J.A.N. Le Fondré:

So everybody is present that would mean all you would need is 24 votes to block a proposition because it would be a tied vote but for it to be achieved, for it to go through, you would have to achieve 25, is that correct?

The Deputy Greffier of the States:

Yes, because it is the one extra vote.

Deputy J.A.N. Le Fondré:

That is correct, is it not? Is that equitable?

Chairman, Privileges and Procedures Committee:

The word is not "block". The word is "defeat" a proposition. Yes, but if you are worried about even numbers, I mean, in my lifetime ... I can remember in my time in the States we had 52 Members but that was never a problem.

Deputy J.A.N. Le Fondré:

I was asking is that equitable actually?

Chairman, Privileges and Procedures Committee:

Of course it is equitable. You cannot have a proposition in the States pass without having a majority. What is undemocratic about that?

Deputy J.A.N. Le Fondré:

But at the moment under 49 Members you would need generally to have a majority of vote for it to be defeated.

Chairman, Privileges and Procedures Committee:

Chairman, I really do not know where you are going because ...

Deputy J.A.N. Le Fondré:

I am asking a question actually that seems a logical ...

Chairman, Privileges and Procedures Committee:

... the States very rarely they vote with everybody there. You have illnesses, absences, and so on. I mean that does happen. But the democratic principle is you have a majority to have a proposition approved. If you cannot get a majority the proposition is defeated. That is democracy and it has been for generations. It has not changed. That is not going to change, whatever happens here.

Deputy J.A.N. Le Fondré:

Thank you. Okay, that is fine. Do you think a referendum should be held on the suggestions in P.18?

Chairman, Privileges and Procedures Committee:

No. That is my personal view.

Deputy J.A.N. Le Fondré:

That is fine. Should the public have the final say on any electoral change?

Chairman, Privileges and Procedures Committee:

I said before they cannot. Legally and technically, the only group that can make a decision is the States. It is almost impossible to have a binding referendum. The only way you can have a binding referendum is to approve the legislation first and then have it coming into force as a result of a referendum. We just do not have that in our armoury at present. I do not think this ... the States are elected to make decisions. They consult with their constituents. They think about things. They look at all the paperwork, all the research, and they have to make a decision and we should not be looking to duck those decisions.

Deputy J.A.N. Le Fondré:

As P.18 does differ significantly, one would suggest, from the referendum option voted for in 2013, which you referred to earlier, do you think the public would agree with this new option?

Chairman, Privileges and Procedures Committee:

I have got absolutely no idea. I have got no idea. You are talking about the option as amended by Senator Farnham?

Deputy J.A.N. Le Fondré:

Yes.

Chairman, Privileges and Procedures Committee:

I do not know.

Deputy J.A.N. Le Fondré:

Okay. Some of the feedback we have been having so far is that members of the public do not feel they have been well informed about the proposed changes. Would you agree?

Chairman, Privileges and Procedures Committee:

If somebody says that I would have to agree with that particular individual. It depends how much interest, as I said before, particularly individuals, take in the electoral process.

Deputy J.A.N. Le Fondré:

Do you have any view on the wider context of Islanders?

Chairman, Privileges and Procedures Committee:

People who are interested in this subject will be fully cognisant of what is going on because they have been showing an interest for 17 years. I agree that some might say: "I am fed up with this." Some might say: "I do not care." Some might say: "We have elected these people to make these decisions, let them get on with it." You have got a whole spectrum of reactions.

The Deputy Greffier of the States:

The day after the debate in February we posted on vote.je the outcome with a brief explanation, and that is as much as really we could do at that juncture because there was no certainty as to what was going to change. There is no point in discussing in great depth with folk how much will be changing if we did not know that that was definitely going to happen. We have been waiting for the decision from our part, from the Greffe's part, as to how much ... but certainly as soon as a decision is made we will be going for it big style in making sure that there is nobody in the Island who is not clear as to what the system is going to be.

Deputy J.A.N. Le Fondré:

Right, any questions?

Deputy K.C. Lewis:

I have got a quick one. Chairman, obviously as you are aware, the main proposition which you have in front of you there, also has 2 amendments. The first amendment obviously is switching some of the Parishes around, so it would be St. Martin, Grouville, St. Clement and St. Saviour will

be with Trinity plus a centre block and a south-west block and the second amendment obviously is doing away with Senators. Are you in favour of retaining the Senators?

Chairman, Privileges and Procedures Committee:

Are you asking that as chairman of P.P.C. or in my personal capacity?

Deputy K.C. Lewis:

Either.

Chairman, Privileges and Procedures Committee:

No, I think you need ...

Deputy K.C. Lewis:

In your personal capacity.

Chairman, Privileges and Procedures Committee:

As chairman of P.P.C. I do not have a view.

Deputy K.C. Lewis:

In your personal capacity.

Chairman, Privileges and Procedures Committee:

My personal capacity for the last 17 years my position has been totally clear; I believe in having one class of States Member, that is a personal view.

Deputy K.C. Lewis:

Absolutely. Personal view.

Chairman, Privileges and Procedures Committee:

One class of States Member throughout the Island. Constables would be able to stand for the States if they so wish. I mean I do not want to go into all that now, I have been into that loads of times before. Basically the Clothier ...

Deputy K.C. Lewis:

Thank you for your clarity.

Chairman, Privileges and Procedures Committee:

That is a personal view.

Deputy K.C. Lewis:

Absolutely.

Deputy J.A.N. Le Fondré:

Good, okay.

The Connétable of St. Martin:

Can I just say on that then: surely you must be expecting further changes in 2022 to the composition of the States? All you are doing is now bringing into force or you have brought forward the proposition as a result of the vote that has been taken but that will not be the end of it, in your view. Do you think that it will be the end?

Chairman, Privileges and Procedures Committee:

No, I do not think it will. There is always going to be opportunities for improvement, for improving voter equity, for improving proportionality. Changes will be needed as population shifts around the various districts so, no, I think ... it is important that we do keep an eye on what is going on and trying to improve equity and proportionality in voting ... be fairer to the voters.

The Connétable of St. Martin:

Do you think the voters at the moment now think this is the change that could happen, that is it, finished? Because the voters that we have seen so far, the electorate we have met, did not know what was going on in the first place however hard the Deputy Greffier has tried, and the Greffe's office, to circulate. People do not know.

Chairman, Privileges and Procedures Committee:

Some people do not know. Of course some people do not know. I accept that.

The Connétable of St. Martin:

I think the vast majority of the population.

Chairman, Privileges and Procedures Committee:

I think we need some evidence for a statement like that but a lot of people do not agree. But a lot of people do. A lot of people in favour and a lot of people are against. At the end of the day, we, as States Members, have got to make our mind up. We cannot hide behind the public all of the time. We have got to come out, put our heads above the parapet and make a decision.

The Connétable of St. Martin:

But being classed as the worst States ever, which has probably been the last 10 different Assemblies have probably been the worst ever.

Chairman, Privileges and Procedures Committee:

I have served in this Assembly for over 30 years and every single one of them has been the worst States ever.

Deputy J.A.N. Le Fondré:

Right, let us call the ... before we get on to political experience, shall we say. Thank you very much for coming in front of us.

Chairman, Privileges and Procedures Committee:

Pleasure.

Deputy J.A.N. Le Fondré:

It has been very useful and thank you for being pretty clear in your observations.

Chairman, Privileges and Procedures Committee:

Thank you.

Deputy J.A.N. Le Fondré:

On that basis we conclude this hearing. We will be pausing for about 3 minutes. I am afraid members of the public do have to go out, but then we will be starting again very close to 4.15.

[16:13]