

STATES OF JERSEY

Corporate Services Scrutiny Sub-Panel

TUESDAY, 23rd MAY 2017

Panel:

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

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

Deputy K.C. Lewis of St. Saviour

Senator S.C. Ferguson

Witness:

Mr. J. Henwood

[13:17]

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

Welcome, firstly, to the Corporate Services Scrutiny Sub-Panel review on the constitutional changes that are being put forward to the States on 6th June. You may be aware that there is a little notice to your right, which is always worth perusing, which gives the status of these type of hearings, and also obviously to individuals in the public seating, who are fully aware, which is no interruptions or electronic devices, please. For the benefit of the tape, I am Deputy John Le Fondré, Chairman of the panel.

Deputy K.C. Lewis of St. Saviour:

Deputy Kevin Lewis, Vice Chair.

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

Constable Michel Le Troquer, St. Martin.

Senator S.C. Ferguson:

Senator Sarah Ferguson, member of the panel.

Deputy J.A.N. Le Fondré:

If you would just speak into the microphone ...

Mr. J. Henwood:

I am John Henwood.

Deputy J.A.N. Le Fondré:

... and they will know who you are. That is great. Okay. Well, thank you very much for coming. Obviously, what we are dealing with is what we are referring to as P.18, which is the proposition that has been lodged by P.P.C. (Privileges and Procedures Committee) and has 2 amendments. Can you give your views, really, on the proposals? I suppose it is wearing 2 hats: one is as a member of the public and also with your past experience, as you have just alluded to, on Clothier.

Mr. J. Henwood:

Thank you. Yes, I would be happy to do that. May I take it that you have had the opportunity to see my initial written submissions?

Deputy J.A.N. Le Fondré:

Yes.

Mr. J. Henwood:

I will not go over that. Yes, look, you invited me to speak initially as a member of the public. As a member of the public, I think I have every right to feel confused because there has been a plethora of amendments to the original proposition and now I note that P.18, while it essentially gives effect to P.133/2016, which was the Andrew Lewis proposition as amended, it does not just do that. It also goes further and proposes retaining the parish-based electoral system. Now, I think that is really confusing. If we are to have new constituencies, the so-called 6 super-constituencies, why are we not having electoral districts and electoral registers which correspond with those new boundaries or, to go further, why do we not have an Island-wide electoral register as was originally recommended in the Clothier report in 2000? I think it is worth reflecting that this was one of the fundamentals that Clothier raised right at the beginning. Let us start with the electoral system. The building bricks of a parliamentary democracy are the electors, the people who choose their representatives who will sit in any Assembly. There needs to be a system which allows the electorate to exercise its franchise in a simple, straightforward and clear way. I think we have lost sight of that. I think part of the problem is a lack of independence in the process and, with respect to this sub-panel, it is probably wrong to expect a group of politicians, any group of politicians,

indeed the whole Assembly, to determine what is going to happen to their own futures. Clothier recommended the appointment of an independent chief electoral officer who would have responsibility not only for running elections but for maintaining boundaries and dealing with any irregularities that occurred. Of course, that independence would guarantee that the issue of how these matters are determined is taken outside the normal political process. I think what we have now is, if you will pardon my language, which is perhaps a bit stronger than that which Senator Bailhache used when giving evidence to you, what we have is a bugger's muddle. We have 3 types of constituency to elect 3 classes of States Member and 19 separate electoral districts: 12 parishes to elect the Constables, 6 super-constituencies to elect Deputies and one Island-wide constituency to represent Senators. Not only is that not straightforward, how is anyone who is not very familiar - very familiar - with the system to understand the purpose behind that process? That seems to me to be quite confusing for anyone. Perhaps I should turn to ... I have some words to say about the Venice Commission, but I do not think we need detain ourselves with that too long. You are very familiar with it. Just I will remark in passing that the proposition which will go to the Assembly is outside the code in the sense that it falls within a year before the next election and that is outside the recommendations of the Venice code. Perhaps I could turn to the amendments that Deputy Andrew Lewis has proposed to P.18/2017. The first seeks to impose a requirement to consult on the proposed electoral boundaries and he points out, not unreasonably in my view, that although so-called super-constituencies as a principle were subject to consultation, the consequent drawing of boundaries was not. So, one asks: how are people to fully appreciate and understand the constituencies in which they are expected to exercise or are entitled to exercise their franchise if they have not been consulted on those particular boundaries? His second amendment makes another attempt at moving the Senators and he points out that the referendum, of course, favoured their removal and that the States had twice overlooked the express wish of the people, and he says he is presenting a third opportunity for the Assembly as a whole to uphold the view expressed at the time of the referendum. Well, I have views on that. I will say later that I am very much in favour of a single class of States Member. His third submission is not an amendment but it is an addendum to his second amendment. I found this quite interesting. He points out the inherent imbalance in representation under the so-called Farnham amendment to P.133 in which constituents of district 5 or north central if you will, or St. Lawrence, St. John, Trinity and St. Mary if you will, are significantly underrepresented compared with other constituencies in such a way as to fall well outside the code of the Venice Commission, and that seems to me to be an important point and one which affects the franchise of quite a significant number of electors. Now, I think all these issues lead me to the view that actually Senator Bailhache was right. This process is a dog's dinner, although I note that he also said or I think he said - he is reported as having said - that he will be supporting the proposition.

Deputy K.C. Lewis:

Yes.

Deputy J.A.N. Le Fondré:

He did.

Mr. J. Henwood:

Well, it will not be the first time a States Member has voted for a mess. This is worse than a mess. It is a disgrace. Unless and until we have an Assembly comprising a single class of States Member elected from clearly understood constituencies, we will continue, in my view, to have a serious divide separating the electorate and those who are elected. I would also add as a “by the way” under a single class of Member there would be absolutely no need to move away from the traditional and well-understood parish electoral boundaries. I think that this particular move is completely unnecessary if you accept the principle that a single class of States Member is ultimately the appropriate way to go. Now, I will pause there. I can amplify, but maybe you have some questions.

Deputy J.A.N. Le Fondré:

I have a few. We have a few down. I will ask one which is not on our list at the moment, which is that there is an argument, on basically your last comment about the single class of States Member, that the last referendum of 2014 on the position of Constables, which was endorsed, has therefore inhibited the ability to go to a single class of States Member. Would you like to expand?

Mr. J. Henwood:

Yes, but you will concede that I think it is generally accepted that it was 50/50; it was a very close-run thing. I think there is an emotional attachment to the role of Constable. I would go back to Clothier and say Clothier had a great deal to say on this. Although Clothier did say that there should be a single class of States Member and that Constables should not sit in the States ex officio - by the way, no one ever said Constables should be debarred from sitting in the States - Clothier also said on the basis of the evidence received that actually the parish system is a very good system. It is a strong system and works in terms of local government rather better than the States does. Clothier recommended strengthening the parish system with more devolved government. There were a number of areas - we did not specify but you will know what they are - that could with benefit be devolved to parishes, which would really require Constables to administer local government within their parishes as they were originally elected to do. So, the issue is not a simple one and, indeed, there are 2, in my view. One is the purity and the simplicity, which everyone will understand, about having a single class of States Member. The other is about do we believe in the parish system and how can we make it work more effectively? We make it

work more effectively by making the Constable's role head of the local government of his area and devolve certain centralised powers back to the parishes.

Deputy J.A.N. Le Fondré:

I will go back to our plan. Do you consider ... or, sorry, how do you think then the parish system could be affected by the proposed changes but with particular regard to this proposal for super-constituencies?

Mr. J. Henwood:

In the whole of my lifetime and the lifetime of people considerably older than me the parish has been electoral constituencies with subdivisions introduced as parishes became more populous; St. Brelade, for example. People understand them. People's emotional attachment to the Constable being in the States is about recognising the strength and value of the parish system. Now, with respect to Constable Le Troquer, I just think Constables nowadays are just regarded as another States Member. In people's minds there is no clear definition and why should there be? Because Constable Le Troquer has exactly the same power and authority as you as a Deputy and as Senator Ferguson has. Once elected, there is no difference, so all these divisions are entirely false.

[13:30]

However, if you say: "Actually, we think the parish system does work well. We want to support it and strengthen it" what you do is you give the Constables the real authority to exercise local government. I just think it is going to confuse people by saying: "Okay, these 4 parishes constitute a new electoral district. Oh, and by the way, most of the people in, let us say, central north or 5 or call it what you will, most of the people, the largest percentage live in the south so they have a better chance of ..." This might play to your preferences, Deputy. They have a better chance of electing representatives who live in their part of the constituency. So you will get over a period of time fewer individuals in the Assembly representing specific parishes and I think that is a retrograde step.

Deputy J.A.N. Le Fondré:

Thank you. Just touching on the Venice Commission, it is around the importance, your views, in fact, on the importance of following the guidelines set down by the Venice Commission.

Mr. J. Henwood:

I am not expert on the Venice Commission. I have read it and I have read the salient parts of it that are referred to by the proposition.

Deputy J.A.N. Le Fondré:

Just from an opinion point of view, do you think being a small Island could affect how stringently such guidelines could be followed?

Mr. J. Henwood:

No, actually. To be absolutely honest, I do not think we have to follow these things slavishly, but they are useful and they are helpful and they set a guideline. I think they are a useful touching stone and a useful reference point, and if we can observe them in the main then I think it is helpful.

Deputy J.A.N. Le Fondré:

Should it be all the relevant sections of that or should we ... in other words, if we choose to follow certain aspects, should we be following as many as we can or is it a pick and mix?

Mr. J. Henwood:

No, I do not think you can pick and mix. I think you should be consistent in your application. If you choose a guideline, you should be consistent in its application, in my view.

Deputy J.A.N. Le Fondré:

Okay, thanks. Are you happy for me to keep going?

The Connétable of St. Martin:

Please.

Deputy J.A.N. Le Fondré:

I think we have covered this, but do you think ... well, expanding around the comments on parish boundaries, do you think parish boundaries prevent effective electoral reform with the aim to achieve voter equality?

Mr. J. Henwood:

Not at all. Clothier showed how it can be done very simply.

Deputy J.A.N. Le Fondré:

Okay.

Mr. J. Henwood:

What you have to do is measure population shifts. Populations will always shift and they tend ... populations tend to gravitate towards population. So one sees over a period of time that St. Helier,

St. Brelade, probably St. Saviour and St. Clement, will become more populous and the northern country parishes will become less populous. So, from time to time you measure the population shift and you adjust representation accordingly. But that is very easy. Here is where the problem comes. If you take the smallest parishes, if you take St. Mary, for example, and you say the Constable has to have a position in the States ex officio, there is no room for a Deputy as well because already the parish is overrepresented. So you kind of ... the one-class system deals with that and Clothier showed very graphically how you can have either a 40, 42, 44-Member Assembly simply by redistributing the seats according to the population shift.

Deputy J.A.N. Le Fondré:

Just also do you think ... or do you have any great views on whether it should be based on or whether those sort of calculations on voter equity should be based on population, on registered voters, on voter turnout or something else?

Mr. J. Henwood:

I am sorry, I do not understand the question, Deputy.

Deputy J.A.N. Le Fondré:

So, I think in Clothier it was membership of the electoral roll, if I remember correctly.

Mr. J. Henwood:

Yes.

Deputy J.A.N. Le Fondré:

So I was just wondering what the view was between when you are trying to calculate the number of representatives per area ...

Mr. J. Henwood:

Oh, I am sorry, yes. I get you now.

Deputy J.A.N. Le Fondré:

... what should the basis be?

Mr. J. Henwood:

Should it be the electoral roll or should it be the population?

Deputy J.A.N. Le Fondré:

Yes, or turnout or whatever.

Mr. J. Henwood:

To be honest, I had not given that a great deal of thought. I suspect there is not a great deal of difference between the electoral roll and the population proportionately, but I think it probably should be the electoral roll, yes.

Deputy J.A.N. Le Fondré:

Okay. Is there a logic to that or is that ...?

Mr. J. Henwood:

Well, it is difficult to count babes in arms and those other people who are disenfranchised from voting because they have been disenfranchised for various good reasons.

Deputy J.A.N. Le Fondré:

So it is about the accuracy of the data?

Mr. J. Henwood:

Yes, I think that is right.

Deputy J.A.N. Le Fondré:

Okay.

The Connétable of St. Martin:

Just while we are on numbers, John, do you think 44 is too few Members? Just while we are speaking about numbers, do you think we could ...?

Mr. J. Henwood:

I would think 44 is not too few.

The Connétable of St. Martin:

We are filling up the places that could be reduced at the moment?

Mr. J. Henwood:

Yes. I would go for a 42-Member Assembly according to the formula that Clothier came up with but, as I say, that does require ... for that to work, it does require a single class of Member.

Deputy J.A.N. Le Fondré:

Probably we have covered this; I am just making sure we have. How do you think the role of Senator will be affected by the proposed change to super-constituencies?

Mr. J. Henwood:

It is very hard to see a role for Senators, frankly. Say you have 6 super-constituencies, pretty big electoral wards, and then superimposed on that you have this additional ward which is the whole Island. It is just going to confuse people, is it not?

Deputy J.A.N. Le Fondré:

So even ... I am trying to keep this neutral, but it would be a fair assumption that over a period of time if super-constituencies are introduced that that argument will follow through and eventually Senators might disappear?

Mr. J. Henwood:

Yes, the sooner the better.

Deputy J.A.N. Le Fondré:

You think that would be a risk?

Mr. J. Henwood:

Yes.

Deputy J.A.N. Le Fondré:

Either risk or a benefit depending on your point of view, yes.

Mr. J. Henwood:

No, no, I think it is a benefit. I note that Senator Bailhache himself said that he thought that the next Assembly would give effect to that. I keep coming back to this, do I not, and I do not want to sound like a broken record, but anything that takes us further away from a single class of States Member is, in my view, a retrograde step. By the way, I have quoted Clothier quite a lot, but I have to say in all honesty were Clothier sitting now and taking evidence in the same way, maybe it would not come to exactly the same conclusions. I am not so blind as to see that time moves on and there have been changes, but I think there are certain fundamentals, certain principles that do not shift and one is the equity of a single class of Member.

Deputy J.A.N. Le Fondré:

Okay. Just on internal matters, what is commonly referred to as the Troy rule, which is the majority of the ... or the minority of the Executive versus the majority of the non-Executive, do you think that should be maintained? Is it important?

Mr. J. Henwood:

Well, you are opening ... in a way, you are opening up the question of party politics because the question does not arise if you have a party political system because ipso facto the party which has the majority of the seats will form the Government. However, I think it is probably a useful safety valve while we have an Assembly of independent Members. I believe there have to be checks and balances on the Executive. With respect, scrutiny did not get off to the best of starts in 2005, in my view. It was populated to some extent by people who regarded themselves as Opposition to the Government and I think that is not what was intended. As you know, it was modelled ... it was intended that it would be modelled on the House of Commons Select Committees, which are cross-party and thus not strictly Opposition. But I think it has improved. I think the scrutiny system has improved. Going back to what I said about Maurice Shock, change, particularly parliamentary political change, is a slow process and I am hopeful that the scrutiny process will continue to show the improvement that it has shown since the second ... if you like, post the next election and so on and so forth. I think it has got consistently better. I think there is a problem for scrutiny in that it somehow does not seem to attach the weight to its considerations that it is entitled to do. I am not talking about any particular panel. Frankly, we will always have some panels which are stronger or weaker than other panels. But I think the work is very important. Sometimes it is dismissed by the Executive. Sometimes, frankly, it does not get as much attention as it should in the media. I think a lot of good work comes out of the Scrutiny Panels that sort of goes by the by almost by default, and I think scrutiny is utterly crucial to making a ministerial system work. So, I am sorry, I am being longwinded, Deputy, but while we do not have a party political system I think the Troy rule or some derivative of it which allows effective checks to the Executive is quite important.

Deputy J.A.N. Le Fondré:

Okay. It has been suggested that the proposed changes are merely the first step of electoral reform. I think there is a follow-on question from that, but do you have any views on that particularly?

Mr. J. Henwood:

I would be very cynical about that. That sounds like the siren voice of, well, you know, we will give you this now and you can have a bit more later and a bit more. If the principle is established that we are going to have a reform programme, why can we not just take our time, think about it carefully and produce a concerted plan which gets to the end objective rather than doing it in incremental steps, some of which appear to be backward steps?

Deputy J.A.N. Le Fondré:

I suppose that carries on, actually. Number 1 is: do you think there has been time for the proposed changes ... is there time for the proposed changes to be successfully implemented and for the options to have been properly considered? I am talking about what is in front of us now.

Mr. J. Henwood:

Look, I do try to stay in touch not only with the doings of my Government and the Assembly, I do work very hard at staying in touch with the community, and I am in no doubt at all that people do not know what is going on. They are going to end up with ... if this proposition is upheld, people are not going to know what they are being invited to do come next May. Of course, there will be an election 2018 process and all that sort of stuff, but there is huge confusion in the minds of the people at the moment.

Deputy J.A.N. Le Fondré:

If there is an information campaign after they have been voted through, is that too late?

Mr. J. Henwood:

It is a bit late then if people say: "Hang on a minute, that is not ... I did not understand it. Nobody asked me whether I wanted to be part of a district 5 and why is Trinity in there?" and so on and so forth. I think that is a fair point that comes out of Deputy Andrew Lewis's amendments.

Deputy J.A.N. Le Fondré:

There has been a comment that the need for reform is urgent. Do you think the need for reform is any more urgent than when it first started?

Mr. J. Henwood:

No. Well, as I said, it was urgent ...

Deputy J.A.N. Le Fondré:

I think that is what I was picking up from your submission.

Mr. J. Henwood:

Yes, it was part of the reason why the States of the day decided that it needed a review of the machinery of government. It was an urgent review and we were left in no doubt when we were appointed by the States that this was a critical matter. So it is with some regret that nearly 20 years later I find ... nearly 20 years and over 60 propositions later, I find we are actually still muddling along with a confusing system that should have been scrapped a long time ago.

Deputy J.A.N. Le Fondré:

So your comment that: “Another year taken to bring forward a clear and simple proposal that the whole electorate will understand will not be time wasted” is still relevant?

Mr. J. Henwood:

Absolutely. Look, you know, you can bring this down to a human level. I do not mean to be disrespectful to anyone, but it is quite difficult if you are ... let us say you are a Constable and someone is saying: “You should not be sitting in the States ex officio.” It is quite difficult to accept that because you know you are there under the current system and you are working hard and you are doing your best for your constituents and your Island. It is quite difficult to vote for that. So my view would be what has always been missing has been the long-term position. Invite people to take ... invite the Assembly to take a long-term view and say: “At the election after next, this will be the position.” Privately, you can say to yourself: “I will be retired by then so it will not affect me.” Now, you are not going to say that publicly. You probably do not want to admit it to yourself, but you will be out of the game by then so it is going to affect someone else. Now, that is the view that I would take. Let us not look even ... let us certainly not look at changes for next year, but what I would do is draw a line under this now and then early in the new Assembly start looking at a system that might be put in place after the next election, so 2022. That is what I would be looking for. That just makes it easier for all of you as individuals to say: “I can take a dispassionate view about this.”

Deputy J.A.N. Le Fondré:

Should a referendum be held on the proposed changes?

[13:45]

Mr. J. Henwood:

Well, you have put me on the spot there. Look, I am not in favour of referendums in general. I cast my ballot once every 3 or now 4 years and I expect you to make ... I expect those people that I have voted for to make those decisions for me. That is how parliamentary democracy works. However, there are one or 2 issues, deep constitutional issues, that should require a referendum. One might be, for example, were those who favour independence to gain a dominant position, Jersey would alter its ... Jersey might be altering its position vis-à-vis the Crown. That should absolutely be a matter for a referendum. I think we do not have a very good record of referendums. The last one was a dog’s dinner, to borrow somebody else’s phrase. It did not put straightforward questions to the electorate.

Deputy J.A.N. Le Fondré:

Just to be clear, do you mean the 2014 Constables one or the 2013 of options A/B/C?

Mr. J. Henwood:

I mean the referendum that followed the recommendations of the Electoral Commission.

Deputy J.A.N. Le Fondré:

Right, so that is the A/B/C 2013, I think, yes.

Mr. J. Henwood:

Yes. I did not want to vote for any of those options because none of them fulfilled my requirement, so I voted for the best worst option, sort of thing.

Deputy J.A.N. Le Fondré:

That actually does help because conveniently one of my other questions is: did you think, just to really be clear, that the 2013 referendum was clear in terms of the question posed to the public?

Mr. J. Henwood:

No. We just want yeses and noes, thank you.

Deputy J.A.N. Le Fondré:

Yes, okay, thank you.

Mr. J. Henwood:

Simple questions; yes and no answers.

Deputy J.A.N. Le Fondré:

Are we okay at the moment?

The Connétable of St. Martin:

Yes, absolutely.

Deputy J.A.N. Le Fondré:

I am just acutely aware of time, by the way, as well.

Mr. J. Henwood:

You all have to go back to the day job, have you not?

Deputy J.A.N. Le Fondré:

Well, there is all that. The day job has gotten shorter today, I think. Is St. Helier, in your view, underrepresented?

Mr. J. Henwood:

Yes. I think it is underrepresented and I would have a different approach for St. Helier. I do not know what the budget is now, probably £60 million, £70 million budget for St. Helier. I think St. Helier is an excellent example of why certain issues should be devolved. If I were in a position to wave a magic wand, I would certainly take the Constable out of the States and I would advise him to set up his own Parish Assembly with elected representatives who would administer that budget separately, and in a smaller way the other 11 parishes should do the same thing.

Deputy J.A.N. Le Fondré:

Do you mean and deal perhaps more with local constituency matters and that sort of stuff as well?

Mr. J. Henwood:

Yes, absolutely. Of course, being our capital and being hugely important, there would be matters which would have to be determined between St. Helier and the Parliament as to which would be devolved and which would not. Certainly, some of them ... certainly, some issues should be issues for the whole Assembly. I do not want to draw a line particularly, but I do not think central Government should be involved in collecting rubbish. Parishes always did extremely well from the time I first knew that somebody collected my rubbish. What was wrong with that system if it works perfectly well? I was not in favour of some of the centralisation that happened in the past, but that is the nature of Government. Central Government tends to want to grow thinking that it does things better than devolved Government when almost always it does not.

Deputy J.A.N. Le Fondré:

Should, on the basis of that, representation for St. Helier be increased then, bearing in mind ...

Mr. J. Henwood:

I am sorry, may I just amplify? I think St. Helier is underrepresented period. I mean you simply have to have representation proportionate to the number of electors there are in any particular constituency, and it seems to me - I have not done the sums - that St. Helier is underrepresented now. I think probably St. Clement is. St. Mary is overrepresented.

Deputy J.A.N. Le Fondré:

I think why we were just curious is it ties into remarks that we have had in some of the other public hearings and meetings we have been doing is should any increase in that representation for St. Helier come at the detriment of other parishes, effectively?

Mr. J. Henwood:

It is a very good question. I have not given that particular issue a lot of thought. I just think what you determine first ... just determine your constituencies, look at the population of those constituencies, think about what is an ideal size Assembly, and then simply divide up the seats. Inevitably, the more populous areas are going to have more representatives.

Deputy J.A.N. Le Fondré:

Just out of curiosity, under the present proposals on the super-constituencies, there are iterations between 4 and 5 Members for each super-constituency other than for St. Helier, which under both scenarios gets 12, 6 and 6. Do you think that is an appropriate situation, particularly in light of one of the Venice Commission's issues about each voter having the same number of votes? I am just exploring it, really.

Mr. J. Henwood:

I am on the horns of a bit of a dilemma there because historically I have never really worried about that as long as I have felt that proportionately everyone was evenly represented. It is not an issue that I feel strongly about either way, but I do understand those who are concerned about it and I do understand that it would not conform with the Venice code. But personally I do not feel strongly about it.

Deputy J.A.N. Le Fondré:

Okay, thanks.

Deputy K.C. Lewis:

Mr. Henwood, you said that in the not too distant future we could actually lose the Senators from the Assembly, but according to the second amendment we can actually lose Senators in a matter of hours if this law just cascades through the States. Do you find that worrying?

Mr. J. Henwood:

No, I would find that to be a useful move in the right direction because it reduces by one the classes of States Member.

Deputy K.C. Lewis:

But, as I say, if the main proposal is accepted, that would be super-constituencies under P.18 with all the consequences of that one. If the first amendment goes through it is just a reconfiguring of those super-constituencies.

Mr. J. Henwood:

Yes.

Deputy K.C. Lewis:

But if the second amendment goes through, then that is it, it is Senators out, so we have 52 Deputies and 12 Constables.

Mr. J. Henwood:

Yes.

Deputy K.C. Lewis:

You would say that was desirable?

Mr. J. Henwood:

No, I would not. I would not vote for this proposition were I in your place because I do not want to go the route of super-constituencies even though it would get rid of Senators because I think it is kind of just one step back instead of a move forward. I would say reject P.18, draw a line under ...

Deputy K.C. Lewis:

In its entirety?

Mr. J. Henwood:

Yes, I would reject it, draw a line under it and say we are not going to discuss this again before the 2018 election. We will go into the election with the system we presently have and then immediately after 2018 the Assembly as then constituted should begin looking at the whole process, not bringing propositions piecemeal to an Assembly but thinking through a long-term plan which it would in due course bring to the House for the election after next.

Deputy J.A.N. Le Fondré:

Just out of curiosity, what comes first? Is it the electoral system, i.e. the constitutional changes, or is it the machinery of government? Obviously, Clothier tried to do both.

Mr. J. Henwood:

Yes.

Deputy J.A.N. Le Fondré:

There was obviously comments on how well or not the machinery of government is working. So there is a view expressed that the machinery of government should be fine-tuned and then bring in the electoral system. Do you think it matters one way or the other?

Mr. J. Henwood:

Clothier was very clear. You start with the building bricks. The building bricks of parliamentary democracy are me, you, everyone out there, the people. So you get right at the beginning the methods and mechanisms for constituting an Assembly of representatives. When you have that there, you then start doing the other things. What your predecessors did was say: "Oh, we fancy the idea of ministerial Government. Yes, we have to have scrutiny to get that, but we fancy that. Let us just have that, then everything will fall into place after that." But it did not. They just got it the wrong way round. I think my own view is if in 2001 and soon thereafter the Assembly had voted bravely to go along with a single class of States Member as Clothier had set out, I think actually we would probably have a Government today that was not quite so distanced from the people of the Island as this Government is now. It was pretty bad in 2000 and there was a gulf that we kept talking about. We kept hearing evidence and I am absolutely convinced that gulf between the Executive Government and the people of Jersey is deeper and wider now than it was when Clothier was sitting.

Deputy J.A.N. Le Fondré:

I am going to start wrapping up. I have 2 comments to pick up on in your written submission, but anybody ...?

The Connétable of St. Martin:

No, the 3 I had put down you have answered clearly. Thank you.

Deputy J.A.N. Le Fondré:

Sarah, no? Kevin, no?

Deputy K.C. Lewis:

No.

Deputy J.A.N. Le Fondré:

What I am going to pick up is in your written submission you said: "We appear to be in a muddle with, in my view, the worst of all worlds, 3 classes of States Member but the traditional parish-delineated electoral boundaries are to be scrapped in favour of the so-called super-

constituencies.” I think we have covered it but: “What is needed now is for a line to be drawn under the debate.”

Mr. J. Henwood:

Yes.

Deputy J.A.N. Le Fondré:

“There is insufficient time to properly consider all the options and implement them prior to the election next May.” I think just as a concluding thing, that is it at the moment, really, is it not? That is the position from your perspective?

Mr. J. Henwood:

Look, 3 types of constituency to elect 3 classes of States Member, 19 separate electoral districts, frankly, it is barmy. We just have to stop now, stop it. Let us draw a line under it. Let us say we have mucked about with this too much. Let us just recognise that we cannot do this properly, put it to one side, get through the election in 2018. A new Assembly then will be charged with starting straight away on a long-term plan for the model Assembly.

Deputy J.A.N. Le Fondré:

Do it as a case of getting it right rather than getting it rushed?

Mr. J. Henwood:

Absolutely.

The Connétable of St. Martin:

Without a referendum?

Mr. J. Henwood:

I do not think there would be any need for a referendum, but let us just hypothesise for a moment. In 2019, the Assembly of the day brings forward a proposal for an Assembly of, say, 42 Members, all of the same class. I do not care what you call them; call them Deputies, call them Senators, I do not give a damn about that. Say 42 Members, single class Assembly, parish boundaries as we all know and love them. You might just say to the people of Jersey: “Do you go for this, yes or no?” But it has to be that simple. We cannot have ifs or buts or should we have this and what do you think about the Constables, what about the Constables sitting, all that sort of stuff.

Deputy J.A.N. Le Fondré:

Although I was trying to wrap up, you have actually raised one query. The comment that has been made was that the difficulty the Electoral Commission faced was that it was too complicated to put into a yes/no question.

Mr. J. Henwood:

Nonsense. Nonsense. Do people of intellect really believe that that was the case? I suspect what was happening within the Commission was there were some currents flowing in different directions and it was a bit of a camel, a compromise, in the end. Not long after the publication, Dr. Renwick came out with some quite strong opposition to some of the process, if I recall. So I think it was a bit of a muddle.

Deputy J.A.N. Le Fondré:

Well, on that note, unless you have anything else to add, thank you very much for a very concise ...

Mr. J. Henwood:

No, I am very grateful for this opportunity. I think you are doing important work. I have to say I am rather pleased you have called this in because I think this is building bricks of a democracy that we are talking about here and no doubt you will be accused of sticking your oar in where it is not wanted. Well, go on sticking as far as I am concerned.

Deputy J.A.N. Le Fondré:

Thank you very much. I do emphasise we are not necessarily going to do alternative proposals as far as I am aware but ...

Mr. J. Henwood:

No, look, I have come along to say my piece and you take from it what you will. Thank you very much.

Deputy K.C. Lewis:

Thank you very much.

Deputy J.A.N. Le Fondré:

Brilliant, thank you very much. That concludes it.

[13:58]