

Written Submission from Mr B Le Sueur, 25th March 2010

Dear Sirs,

There is no virtue in a blind, calcified resistance to consider any change at any time in the structure of our Constitution. We must be ready at all times, even eager, to look at ways of improving the structure of government where it is palpably failing. That has been done twice in my lifetime. There might be a case for reconsideration of the numbers and functions of the elected members. However, that is not your remit. The obvious need always to consider other changes where there is failure is what you are discussing. What you must first ensure is that there is such a need. You must guard against change for change's sake. There is always a body of people in any sphere of management who feel that their function is to foment change whether or not it is needed, that if they are not doing so, electors will think they have drifted off into a permanent slumber and are no longer worth their pay. I would suggest that the first function of your panel will be to beware of the busybodies and establish whether the need for change exists.

First, there is the matter of the historical title, Les Etats de Jersey in the plural. When a legislative body first evolved in mediaeval times it was composed of the three estates, the Church, the Law and the People. The 1947 reforms excluded the Church, in the form of the twelve parish rectors apart from the non-voting Dean. The Law, in the form of the elected Jurats, was also excluded except for the Crown Officers. The Attorney-General and Solicitor-General, so I understand, are technically members of the Assembly but only speak when called on to do so on matters of law, never to debate.

Can anyone seriously claim that any of these has prejudiced in any way the business of government since 1947? Is there any valid evidence to support such a contention? If not, why bother? In my memory, various Deans since 1947 have spoken on moral issues and with common sense although, because unelected, unable to vote later in support of what they have said. Can the busybodies clamouring for change quote on instance where damage to government has occurred because of the occasional point of view from the established Department of Morality? If all the foregoing are to be excluded then, of course, the name of our legislature must be changed as two of the original three Estates will no longer be represented. The plural in the title will no longer apply. Something else

will have to be thought up, perhaps Le Parlement de Jersey, La Chambres des Législaters, La Chambre des Savants or Le Musée Vivant des Moulins des Mots. Our news media might run a competition. There could be another competition to design yet another logo at a cost of an imposed mimum of £500,000. It would all cost a lot of money. To what end?

The real concern is the position of the Bailiff. There is some justification in the argument that someone who has helped to frame laws should not judge a citizen accused of having broken them. As the Bailiffs do not now even have the casting vote which their predecessors since the early 19th century had always used negatively anyway, is there any evidence that the individual who is, in effect, the Speaker has in any way affected wrongly the independence of the judiciary? Has one wrong judgement been made because the Civic Head was also the head judge?

The Bailiff has been the Civic Head of the Island since we first began to be politically and judicially autonomous nearly eight centuries ago. Such continuity must not be lightly thrown aside. It is not a question of sentiment but a practical factor which worries me.

What is the alternative if the Bailiff's function becomes confined to the bench? Who will then preside over the sittings of the House? The ideal Speaker must be someone of keen intelligence, able to control an occasionally disruptive and discourteous group, be scrupulously fair in selecting who is to speak, be firm with the long-winded and the repetitive, to have a clear mastery of procedure, an awareness of what will be legally possible, in short, to be the kingpin of the whole structure.

If that person is to be chosen from within the group of elected members, which is what one assumes the democratic purists would like, that person will then be lost to the true business of government. I have been observing government for seven decades and throughout that time there has always existed in the House a fairly small group of very bright people, natural leaders. In a community of our size that is never likely to change. We cannot afford to lose one of that small group of really bright to the emasculated job of apolitical Speaker. It is not a job for someone who has stood for election on a declared platform of intent; if such a person is determined he will be loathed by the opposition, accused of bias.

Pragmatically, all common sense is to leave matters broadly as they are. The proposals for change constitute a proverbial case of taking a sledgehammer to crack a nut whose very existence is unproven. It would be time-consuming, costly to implement and would almost certainly leave the island worse off than now.

Yours truly

Bob Le Sueur