

HOUSE OF COMMONS

Constitutional Reform and Governance Bill

[Relevant documents: Report of the Joint Committee on the Draft Constitutional Renewal Bill, Session 2007-08, HC 551-I and-II, and the Government response, Cm 7690. Tenth Report from the Public Administration Select Committee, Session 2007-08, on Constitutional Renewal: Draft Bill and White Paper, HC 499, and the Government response, Cm 7688. Fourth Report from the Joint Committee on Human Rights, Session 2009-10, on Legislative Scrutiny: Constitutional Reform and Governance Bill; Video Recordings Bill, HC 249. The Scottish Parliament has passed a Legislative Consent Resolution in respect of this Bill. Copies of the Resolution are available in the Vote Office.]

[6TH ALLOCATED DAY]

Further considered in Committee

Sir Alan Haselhurst in the Chair

New Clause 88

REFERENDUM ON VOTING SYSTEMS

'(1) A referendum is to be held, no later than 31 October 2011, on the voting system for parliamentary elections.

(2) The Secretary of State must-

(a) present to Parliament a Command Paper describing an alternative-vote system for consideration by voters in the referendum;

(b) by order made by statutory instrument specify the question to be asked in the referendum (and any statement that is to precede the question) and fix the date of the poll.

(3) The question specified under subsection (2)(b) must ask voters whether they would prefer the alternative-vote system described in the Command Paper to be used for parliamentary elections instead of the existing voting system (commonly referred to as "first past the post").

Any form of words to that effect may be used.

(4) In this section "alternative-vote system" means a system under which, for each constituency-

(a) one candidate is elected;

(b) voters must indicate their first-choice candidate and may also rank any or all of the other candidates in order of preference;

(c) votes are allocated to candidates in accordance with voters' first choices and, if one candidate has more votes than the other candidates put together, that candidate is elected;

(d) if not, the candidate with the fewest votes is eliminated and that candidate's votes are dealt with as follows-

(i) each vote cast by a voter who also ranked one or more of the remaining candidates is reallocated to that remaining candidate or (as the case may be) to the one that the voter ranked highest;

(ii) any votes not reallocated play no further part in the counting;

(e) if one candidate now has more votes than the other remaining candidates put together, that candidate is elected;

(f) if not, the process mentioned in paragraph (d) is repeated as many times as necessary until one candidate has more votes than the other remaining candidates put together, and so is elected.

(5) The reference in subsection (4)(d) to the candidate with the fewest votes, in a case where there are two or more candidates with fewer votes than the others but an equal number to each other, is a reference to the candidate eliminated in accordance with whatever provision is made for that case.

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(6) The reference in subsection (4)(f) to the candidate with more votes than the other remaining candidates put together, in a case where there are only two remaining candidates and they have an equal number of votes, is a reference to the candidate elected in accordance with whatever provision is made for that case.

(7) A statutory instrument specifying the question to be asked in the referendum or fixing the date of the poll may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(8) Subsection (1) and sections [Entitlement to vote] to [Restriction on legal challenge to referendum result] do not apply (and no further duty arises under subsection (2)(b)) if either House of Parliament, on a motion to approve a draft laid under subsection (7), decides not to approve it (unless the Secretary of State decides to lay the draft again under subsection (7), or to lay a revised draft under that subsection, and the re-laid or revised draft is approved by a resolution of each House).'- (Mr. Straw.)

Brought up, and read the First time.

5.32 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I beg to move, That the clause be read a Second time.

The Chairman of Ways and Means (Sir Alan Haselhurst): With this it will be convenient to discuss the following: amendment (a), leave out "31 October" and insert "30 May".

Amendment (b), leave out "an alternative-vote" in subsection (2)(a) and insert "a single transferable vote".

Amendment (c), leave out "the alternative-vote" in subsection (3) and insert "a single transferable vote".

Amendment (j), leave out "describing an alternative-vote system" and insert

"setting out the mechanism, and the advantages and disadvantages, of

(a) an alternative-vote system,

(b) a two-round runoff system,

(c) the existing voting system (commonly referred to as "first past the post").".

Amendment (k), leave out from 'voters' to end of line 12 and insert

"to select one of three options set out in the Command Paper.".

Amendment (l), at end insert-

"(6A) In this section "two-round runoff system" means a system under which, for each constituency-

(a) one candidate is elected;

(b) a second ballot may be held if a candidate is not elected on the first ballot;

(c) for a candidate to be elected they must secure more than fifty per cent. of the votes cast on either the first or second ballot;

(d) on the first ballot voters must nominate a single candidate;

(e) on the first ballot there is no limit to the number of candidates which may stand;

(f) votes are allocated to candidates and, if one candidate has more than fifty per cent. of the votes cast, that candidate is elected;

(g) if not, the two candidates with the most votes on the first ballot enter a second ballot to be dealt with as follows-

(i) the second ballot must be held one week after the first ballot;

(ii) voters must nominate a single candidate;

(iii) no new candidate may enter the second ballot;

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(iv) votes are allocated to candidates and the candidate with the most votes is elected;

(h) if in the second ballot it appears that there is an equality of votes between both candidates, the returning officer shall decide between them by lot and proceed as if the candidate on whom the lot then falls had received an additional vote."

Amendment (e), leave out subsection (8).

Government new clause 89- *Entitlement to vote.*

Government new clause 90- *Referendum period.*

Government new clause 91- *Role of Electoral Commission.*

Government new clause 92- *Payments to counting officers.*

Government new clause 93- *Taxation of counting officer's account.*

Government new clause 94- *Restriction on legal challenge to referendum result.*

Government new clause 95- *Referendums: person may not be "responsible person" for more than one permitted participant.*

Government new clause 96- *Referendums: expenses incurred by persons acting in concert.*

New clause 32- *Referendum on electoral reform-*

"(1) The Secretary of State shall be under a duty to ensure that a referendum on reforming the electoral system for the House of Commons is held before 28 October 2010.

(2) The referendum must offer a choice between the existing method of voting and a preferential system.

(3) If the result of the referendum is in favour of changing the electoral system for the House of Commons, the Secretary of State shall be under a duty to lay implementing measures before Parliament within three months of the date of the referendum.

(4) In this section-

"implementing measures" means measures designed to and likely to implement the result of the referendum before the general election next following the referendum, and includes bills and statutory instruments;

"preferential voting system" means a system of voting in which electors may express their support for individual candidates in order of preference and in which they are not restricted to expressing a fixed number of preferences."

Government amendment 136.

Amendment 135, in clause 62, page 33, line 38, after "Part", insert

"and section [*Referendum on electoral reform*]".

Government amendment 137.

Mr. Straw: If I may, Mr. Haselhurst-

Hon. Members: Sir Alan!

Mr. Straw: Sir Alan, I am sorry.

The Chairman: Order. I am touched, but if it is any difficulty for the Secretary of State, he could just say Mr. Chairman.

Mr. Straw: Sir Alan, I apologise profusely.

It might be convenient if I give the Committee notice-I have already given the Table Office and the official Opposition notice-in respect of new clause 98, in the names of the hon. Member for Epping Forest (Mrs. Laing)

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and several of her hon. Friends and my hon. Friends, including my hon. Friend the Member for Morecambe and Lunesdale (Geraldine Smith). It proposes that the counting of votes at the general election should take place within four hours of the close of the poll unless there are exceptional reasons. There was a discussion about that during Justice questions about an hour and a half ago, and I propose to attach my name to the new clause, so that it can be the subject of a vote.

I say to my hon. Friends that my right hon. Friend the Chief Whip is proposing that there be a free vote on the Labour Benches. I would like to add a caveat. As is often the case, the wording of the new clause may need to be revised, but it was the view of the Minister of State, Ministry of Justice, my right hon. Friend the Member for North Swindon (Mr. Wills) and myself that, rather than leaving the matter entirely open until Report, it would be better for there to be a clear text in the Bill that could be amended later if necessary, and that a clear message went out to electoral registration officers now about the intent on both sides of the House.

Mrs. Eleanor Laing (Epping Forest) (Con): May I congratulate the Lord Chancellor on his courage in adding his name and that of his right hon. Friend to our amendment? It has support on both sides of the House, and many people will be delighted at what he has done this afternoon. We accept entirely that the wording may have to be altered, and we will give him every support in doing so.

Mr. Straw: I am very grateful to the hon. Lady.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): If we are putting through new clauses without debate, will the right hon. Gentleman ensure that the programming for the next stage makes time to debate any necessary amendments to tidy up that new clause?

Mr. Straw: What I can undertake to do is ensure that my name is attached to any amendments, so that they would have to be the subject of a vote. What I cannot guarantee absolutely is how much time would be available. However, I should have said to the Committee that my right hon. Friend

the Minister of State will share the draft text of any proposed amendments with all the other main parties represented in the Committee in advance of their being tabled.

Mr. Andrew Pelling (Croydon, Central) (Ind) *rose-*

Mr. Straw: I will give way to the hon. Gentleman, although I do not think that he has a party behind him.

Mr. Pelling: And the House would be a great deal better off if Members were independent. On the point about overnight counting, I won by 75 votes when I stood as a Conservative candidate, and there were three recounts. Does the right hon. Gentleman not understand that it is not right in a parliamentary democracy that the people who have to do the counting should do so when they are half awake? Surely whether counts take place in the morning or overnight is not such a great issue.

Mr. Straw: New clause 98 provides for the counts beginning within four hours of the close of the poll. Everybody accepts that, when there is a requirement for a recount, the counting can be suspended until the following day, as is often the case. However, concern has

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been expressed in all parts of the House about a growing trend among returning officers to defer until the following day—for their own convenience and nobody else's—the counting of most of the constituencies which in the past have always been counted on the night of the election.

Bob Spink (Castle Point) (Ind) *rose-*

Mr. Straw: If the hon. Gentleman will forgive me, I should like to make some progress on the clauses before the Committee; I look forward to similar agreement across the Chamber in respect of those clauses.

New clause 88 provides for a referendum on our voting system for the Westminster Parliament to be held by October 2011.

Sir Patrick Cormack (South Staffordshire) (Con) *rose-*

Mr. Straw: I will give way, but I need to make some progress first.

That referendum will allow the British people to choose whether they wish to retain the present system of first past the post, or move to the alternative vote, which, as I think the Committee knows, is a system by which candidates are ranked in order of preference by voters. If on the first count no candidate has achieved 50 per cent. plus one of the votes cast, the candidates with the fewest first preferences are eliminated, with the second preferences counted, and so on. That is the same system, in conception, as eliminating ballots. However, I do not really need to spell that out to the Committee, because Members belonging to every party represented here will have direct experience of systems of eliminating ballots, whether they take place at a single moment or over an extended moment.

Mr. David Wilshire (Spelthorne) (Con): Will the right hon. Gentleman give way?

Sir Patrick Cormack: Will the right hon. Gentleman give way?

Mr. Straw: In one second.

All the major parties represented here have at the heart of the election of their leaders an electoral system that involves the progressive elimination of candidates. Sometimes elimination rounds are used. The Conservative party conducts sequential votes when there are more than two candidates, until the final two candidates are put to the membership. The Liberal Democrats use the single transferable vote, which amounts to the alternative vote when there is only a single post to be filled. The Labour party has long used the alternative vote for the election of its leader and deputy leader. It used to have lengthy eliminating ballots for local selections, but has now generally moved to the alternative vote system.

Mr. Dominic Grieve (Beaconsfield) (Con) *rose-*

Sir Patrick Cormack *rose-*

Mr. Straw: If I may, I will give way to the hon. Gentleman first, and then to his hon. and learned Friend.

Sir Patrick Cormack: I am grateful to the Lord High Chancellor. He has a reputation of being a supporter of first past the post. If there is a referendum, on which side will he campaign?

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Mr. Straw: What I have long been a supporter of is—[Hon. Members: "Answer!"]—I am going to answer: majoritarian systems. If the hon. Gentleman, who is very assiduous, had bothered to read a very fine pamphlet written in 1986 by my right hon. Friend the Member for Neath (Mr. Hain), "Proportional misrepresentation: the case against PR in Britain", he would have seen that I gave support to the alternative vote. I am on record as having supported for getting on for a quarter of a century the alternative vote system for parliamentary elections. My passion is for majoritarian systems, as opposed to proportional representation, for all the reasons that are generally shared throughout the House. I must also tell the Committee that the new hardback copy of my right hon. Friend's important work is in such demand that, according to Amazon, a new copy will cost \$600, although second-hand editions can still be had for four quid.

Mr. Grieve: I was a bit puzzled to hear the right hon. Gentleman praying in aid the Labour party's election system because, apart from the fact that the Prime Minister was not subjected to it, I seem to recollect that, under that system, one third of the vote is reserved for the union paymasters. I hope that the Justice Secretary is not about to offer that to the Committee as an example.

Mr. Straw: That shows how little the hon. and learned Gentleman knows about the Labour party's system, which provides an opportunity for millions of individual members of trade unions to vote in a postal ballot for the candidates of their choice. The idea that the system is in the hands of a few trade union paymasters is completely incorrect.

I should also like to remind Conservative Members of something that they learned only half an hour ago, and that might have come as a great surprise to them. The system of election for hereditary peers, which they are so passionate in supporting, and which they voted to continue just two weeks ago is—guess what—not a first-past-the-post system but an alternative vote system.

Alan Duncan (Rutland and Melton) (Con): It is your system.

Mr. Straw: The hon. Gentleman says that it is our system, but, while the law provides that there has to be a system—this House agreed that—it was the other place that provided that system.

Conservative peers could have objected to the use of the alternative vote at any stage over the past 10 years, but they have never done so. I therefore hope that we will hear no more about the idea that the alternative vote, or eliminating ballots, which are used by the Conservative party for the election of hereditary peers, have some fundamental flaw that is so dangerous that a choice between the alternative vote and first-past-the-post should not even be put to the electorate.

Lynne Jones (Birmingham, Selly Oak) (Lab): My right hon. Friend has suggested that his own preference is for AV, but the Government set up a royal commission to look into this matter, and I wonder why they are not proposing to put forward the recommendation of the Jenkins commission in the referendum. It would certainly not be tainted by any party political considerations.

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Mr. Straw: My hon. Friend will remember the debates that took place on the Jenkins commission when it reported to the House when I was Home Secretary, towards the end of 1999. It rapidly became clear that there was no consensus around it. What is more, with the passage of time, concern has been expressed about dual systems of membership, particularly in Scotland and Wales. Speaking personally, I happen to believe that the system of single-Member constituencies, in which one Member alone has the duty to represent everyone in that constituency or community, is fundamental to the workings of our democracy. That system gives a directness and authority to the relationship which does not exist in the same way under multi-Member constituency systems.

Furthermore, I support majoritarian systems because majority Governments are far preferable to the weaker minority and coalition Governments that are almost invariably the consequence of systems of proportional representation. I thought that before I first came into the House; I thought it throughout the 18 years I spent on the Opposition Benches; and nothing I have seen of other countries' systems of proportional representation has convinced me that they have better alternatives.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): Perhaps we could achieve consensus if we looked at the Scottish experience, where four different systems of voting are in place. Surely if we were to look at that and have a referendum, we could encompass those as part of the question, allowing people to choose the single system that they want for voting.

5.45 pm

Mr. Straw: I am glad that my hon. Friend acknowledges the importance of giving the British people a choice. We have to make a judgment about the alternatives to put before the British people—we have to make it; nobody else can, as it has to become law. My belief is that the best way to conduct a referendum is to confine it to a single institution—in this case, the Westminster Parliament. I understand my hon. Friend's concern; he and I have discussed on many occasions the dual-Member system in Scotland and the concerns expressed about it, but the fact that we are to have a referendum on this issue does not necessarily rule out the possibility in due course of having a referendum on the issue that my hon. Friend cares about.

Mr. Grieve: May I take the Secretary of State back to his reference to the Jenkins commission? On 2 June 1998, he said:

"The Liberal Democrats and Labour agreed that the only fair way to put a choice to the British people was to give them a choice between two equals: between the first-past-the-post

system-it would be absurd to suggest leaving it out-and another system carefully worked out by a relatively independent body."-[*Official Report*, 2 June 1998; Vol. 313, c. 188.]

Where is the relatively independent body in these proposals?

Mr. Straw: I have already explained that the truth about the Jenkins proposals-it became clear as people digested them-is that there was no consensus coalition at all in respect of them. The hon. and learned Gentleman has been the Justice spokesman for his party for close to 18 months now, and never once has he suggested that there should be a referendum on the Jenkins proposals.

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David Howarth (Cambridge) (LD): May I take the Secretary of State back to his statement about single-Member representation? Is he proposing to abolish multi-member wards in local government?

Mr. Straw: No, I am not. With great respect, the considerations that apply in local elections are different from those that apply to the dynamics of this House.

Several hon. Members *rose -*

Mr. Straw: I give way to the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski).

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Just a few short weeks ago in a Westminster Hall debate on proportional representation, the Minister of State, Ministry of Justice, the right hon. Member for North Swindon (Mr. Wills) gave me an assurance that this issue would not be debated in the House during this Session. May I ask what has happened since to make that promise no longer applicable? [*Interruption.*]

Mr. Straw: Well, my right hon. Friend says that he did not give that assurance and I am sure that the hon. Gentleman will have the opportunity to raise the matter again in his speech.

Mr. Tom Harris (Glasgow, South) (Lab): My right hon. Friend will be aware of the recommendations of the Gould report, produced after the debacle of the May 2007 Scottish parliamentary elections, which were held on the same day as the local council elections. He will know that the strong recommendation made in that report was that two elections using different systems should not be held on the same day. Does he accept that if we move towards the AV system for the elections to this House, we can never again hold a general election on the same day as local authority elections?

Mr. Straw: I am afraid that I do not. I remember the Gould report and the circumstances that led up to it. I thought it made some important recommendations, but I do not believe that the fundamental problem that the Scottish system faced at that time was conducting two different elections on the same day. Within the whole of the UK, we regularly have two sets of elections using different systems. For example, European and local elections often take place on the same day and provided that those systems are properly explained to voters-this was the problem in Scotland when there were two sets of ballots on the same ballot paper-I believe that it is perfectly satisfactory to go ahead on the same day.

Several hon. Members *rose -*

Mr. Straw: I give way to the hon. Member for Eastleigh (Chris Huhne), but then I want to make some progress.

Chris Huhne (Eastleigh) (LD): The Secretary of State will be aware that the Irish system proposed by the Liberal Democrats would deliver an overall majority on about 45 per cent. of the vote, as it has on many occasions in the Republic of Ireland since 1921. What share of the vote would he be prepared to regard as too low, either under first past the post or under the alternative vote when it came to first preferences? What percentage would mean that the Government were no longer legitimate-35, or even less?

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Mr. Straw: The fundamental problem that affects all voting systems is the fact that there is no way, mathematically, of translating votes cast and seats gained into power obtained.

I listened carefully to what the hon. Gentleman said on the radio this morning about the merits of the Irish system. I have two comments. First, the Irish constituencies, per Member, are significantly smaller than ours. There are 21,000 electors per Member of the Dáil. Secondly, the hon. Gentleman seemed to be suggesting that the Irish system had avoided any scandals. Anyone with any knowledge of what has gone on in Ireland recently will recognise that we cannot really compete with the Irish when it comes to the continuation of scandals.

Several hon. Members *rose -*

Mr. Straw: I will give way to the right hon. Member for Wokingham (Mr. Redwood), but then I must make progress.

Mr. John Redwood (Wokingham) (Con): I agree with the Secretary of State about single-Member constituencies. As he wants change, however, he presumably thinks that Members here who did not secure 50 per cent. of the vote might have been better replaced by others. According to his research, how much would a Parliament elected under the proposed system differ from one elected under first past the post?

Mr. Straw: I know that Conservative Members have suggested that earlier elections could have produced this or that result. The answer to the right hon. Gentleman's question is that we should make this change-or, rather, put the opportunity for change before the British people, for it is not we who are making the change-as a matter of principle. It will be for the British people, in whom I suggest Conservative Members have a bit of faith, to listen to the argument over a 20-month period, and to listen particularly intensely during the last six months of a campaign. They will be able to make their own judgments in the privacy of the ballot box. They will reach their own opinions.

Several hon. Members *rose -*

Mr. Straw: I will give way in a moment, but I want to make some progress first. I have already given way a great deal.

I suggest that the case for making the change is to do with the fact that we have moved from a two-party arrangement in the House-which is what obtained, unusually in British politics, between 1945 and 1970-to the three or four-party system that has much more often been the default setting of British politics. The question of whether there should be a change is nothing new-as I shall make

clear, it has been debated on a number of occasions-but of course some hon. Members will ask why we need to make the change now. The answer is that in the past 12 months, as everyone knows-it has affected hon. Members in all parts of the House in the same way-we have seen a crisis of confidence in our political system and our politicians on a scale that none of us has witnessed before in our political lifetime. Trust has been profoundly damaged. [Hon. Members: "That has nothing to do with it."] It has everything to do with it.

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Immediate action has already been taken to clear up the expenses system, with the passage of the Parliamentary Standards Act 2009 and with the clauses in this Bill to strengthen the new regime already approved by the House. We will shortly debate the recommendations of the Wright Committee on improvements to the way in which the House operates. Those are important initiatives, which show that we mean to put our own house in order in due course, but all of us here must do all that we can to restore trust in politics, and it is axiomatic that part of that process must involve consideration of which electoral system can best serve the people of this country and asking them to make a decision. Our response is to put in place a credible alternative which would go with the grain of what the British people value in our system, and allow them to express their clear view in a referendum.

Sensible constitutional change should enhance the effectiveness and legitimacy of our institutions, not undermine them. I suggest, and I will suggest to the British people if these new clauses are passed, that adopting the alternative vote system would achieve that. The alternative vote system builds on the strengths of our current system: direct accountability for individual Members, and the chance for voters to select or eject Governments. I believe that it would help to rebuild the trust and connection between electors and their representatives that is vital to restoring politics.

Mr. Tom Harris: Does my right hon. Friend attribute the stainless reputation of Italian politicians to the fact that the Italians have proportional representation?

Mr. Straw: I have never argued in favour of proportional representation-and this is not proportional representation-and I have certainly never argued in favour of the Italian system.

Sir Peter Tapsell (Louth and Horncastle) (Con): Will the Secretary of State give way?

Mr. Straw: I will in a moment. I have already taken one intervention from the hon. Gentleman.

Sir Peter Tapsell: The Secretary of State would not answer the question that I asked then.

Mr. Straw: I did answer it, and I will answer it again. The answer is that, even under an alternative vote system, if there are only two candidates there will be no need for eliminating ballots. But, as I pointed out, the system that the Conservative party uses is a system of eliminating ballots. It is not first past the post.

Sir Peter Tapsell *rose-*

Mr. Straw: I have now answered the hon. Gentleman's question.

Sir Peter Tapsell *rose-*

Mr. Straw: By allowing the public to express- *[Interruption.]*

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The Chairman: Order. The Secretary of State's appetite for debating and responding to interjections is legendary, but we are reaching a stage at which it is perhaps disrupting progress, and I am anxious to make the debate as inclusive as it can possibly be. I simply suggest that Members on both sides of the Committee should bear that in mind if we are to make progress and allow other voices to be heard.

Mr. Straw: Thank you, Sir Alan. I will make a little progress now, but I will take more interventions later.

I suggest that, by allowing the public to express a range of preferences, the alternative vote would increase the electorate's stake in their representatives, encouraging candidates to appeal to the whole electorate. Under AV, MPs would, by definition, have to receive 50 per cent. plus one from those voting and exercising their preferences. That could only be good for the legitimacy of Members and for the House as a whole.

Graham Stringer (Manchester, Blackley) (Lab): Will the Secretary of State give way?

Mr. Straw: I will in a second.

Between 1945 and 1970, the Labour and Conservative parties shared over 85 per cent. of the votes cast. For the three elections between 1951 and 1959 the share was over 90 per cent., and the share of the third party was less than 6 per cent. However, as I have said, that period was atypical of British politics in the 20th and 21st centuries. Every contest now involves at least three candidates; in Scotland and Northern Ireland there are at least four, and, given the involvement of newer parties, often more. It is telling that at the last election, in 2005, only about a third of MPs won 50 per cent. or more of the votes cast in their constituencies.

It may be suggested that this is a sudden idea, but that is untrue. The proposals for the alternative vote have been debated in the House and the other place for exactly 100 years.

Graham Stringer: Will the Secretary of State give way?

Mr. Straw: I will in a second.

It was 100 years ago this year that a royal commission unanimously recommended the adoption of the alternative vote. However, the recommendation became caught up in the constitutional crisis when the unelected Conservative majority in the House of Lords decided to disrupt Lloyd George's excellent "People's Budget".

It has been said that we should not spend a one-off £80 million at a time of economic crisis. However, the country faced a profound existential crisis in 1917 when the first world war was going badly. At that time the Government sensibly decided that they needed to look to the future, and recommended a change in the system through a Speaker's Conference-which, I remind the Committee, Winston Churchill supported as a Liberal. As a consequence of those proposals, the alternative vote was put before the House. *[Interruption.]* A Conservative Member mentions the Speaker's Conference, but what it recommended was different from what the House decided, and, in

the end, it is the House that decides. Again, however, thanks to the built-in Conservative majority in the other place, this House's decision to go

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for the alternative vote was overturned, and instead the other place went not for first past the post, but for a system of proportional representation, and as a result the Bill fell.

6 pm

Graham Stringer: Can my right hon. Friend not see that there is a flaw in his argument when he compares national elections with the electoral system within parties, where we decide on our candidates and leaders in such a way as to choose the least unpopular, rather than the most popular? Under the alternative vote system in national elections, it is likely that there would have been even more Conservative MPs after the 1983 general election and more Labour MPs after 1997. How is that fair, and how is that going to raise confidence among the electorate?

Mr. Straw: I would make two points in response to that. First, these so-called extrapolations cannot take into account how voter behaviour would change under a different system, but I profoundly believe it would do so—that must be the case. The late, excellent, noble Lord Alexander of Weedon made a good point in his dissenting note to the 1999 Jenkins report about what happened in '83 and '97. I have never believed that voters would react in the way that was proposed, however. Moreover, what we are debating now is not whether the House should decide on the alternative vote, but simply whether we give the British people an opportunity to have a debate about the matter.

My second point is about my hon. Friend's statement that there is a difference between elections of party leaders and elections of MPs. I do not accept what he says on that. The reason why all major parties have an eliminating ballot system is so that the person who is elected leader has legitimacy and a broad consensus of support. I suggest, particularly to those of us who profoundly believe in single-Member constituencies, that that is of even more importance in constituencies than it is for party leaders.

Mr. William Cash (Stone) (Con): Given that the objective of a general election is to determine a Parliament and a Government, does the right hon. Gentleman not accept that merely to get a 50 per cent. majority for each individual constituency does not result in a party having 50 per cent. of the seats in Parliament, and therefore we do not get the 50 per cent. majority implicit in the principles he is putting forward on behalf of the idea of individual MPs for individual constituencies?

Mr. Straw: I usually follow the hon. Gentleman's argument but disagree with him. On this occasion, I am afraid I do not follow him, so I do not know whether I agree with him or not.

Mr. Kevin Barron (Rother Valley) (Lab): I think that AV would be fairer. Did my right hon. Friend hear the hon. Member for Eastleigh (Chris Huhne) say on the radio this morning and "Newsnight" last night that seats such as mine that have been represented by Members of the same political party for decades—that has been the case in my constituency since the first world war, not the second—are more likely to be involved in the expenses scandal? When I came to the House this morning, I

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checked on that, and I have to say that more than 30 per cent. of Liberal Democrat MPs have had to pay money back because of the Legg report. Has my right hon. Friend conducted any investigations into whether there is a causal link between seats such as mine and people claiming money they should not have?

Mr. Straw: Without being tempted down that path, I say to my right hon. Friend that I, too, felt rather gypped when I heard the hon. Member for Eastleigh suggesting that, somehow, those of us who are Members for seats that the same party has represented for the past 60 years are less worthy than those who represent more marginal seats. There is a reason why my constituency has been Labour since 1945. It is not because it is a "safe seat"; it is because there have been two successive Members of Parliament, of which I have the privilege to be one, who have sought to place the interests of their constituents first and above all else. That is also true of Members of other parties, of course.

Mr. Michael Howard (Folkestone and Hythe) (Con) *rose-*

Mr. Straw: I shall give way to the right hon. and learned Gentleman, and then I will make some serious progress.

Mr. Howard: I am most grateful to the Lord Chancellor for giving way. Since he has now mentioned his constituents and the right hon. Member for Rother Valley (Mr. Barron) has mentioned the expenses scandal, can he tell us how many people who were gathered around his soap box in Blackburn on the last occasion that he was on it told him that the answer to the expenses scandal was the introduction of the alternative vote?

Mr. Straw: I am holding a soap box session this Saturday in Blackburn town centre, and I invite the right hon. and learned Gentleman to come along and ask me a question. The serious answer, however, is that very few constituents have articulated proposals for dealing with the problem of trust in politics—those proposals include the setting up of the parliamentary standards authority and the Wright Committee recommendations. People sense, however, that we need to make changes. They sense the need for greater legitimacy in our system. Above all, they want a greater and more immediate say on the system, and that is what the measure being discussed would provide.

Several hon. Members *rose -*

Mr. Straw: I have taken a lot of interventions, and I am now going to make some progress.

I am sure that we will hear of Winston Churchill's dismissal of the alternative vote in the Third Reading debate on the Representation of the People (No.2) Bill in June 1931. That was the third attempt in 21 years to get a change in that regard, but each of them was thwarted not by this House, but by the Conservative majority in the unelected House of Lords. Churchill said that a decision under AV

"is to be determined by the most worthless votes given for the most worthless candidates."-[*Official Report*, 2 June 1931; Vol. 253, c. 106.]

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However, those who pray Churchill in aid need to be careful. First, as ever with Winston Churchill, he changed his mind more than once—and he supported AV in 1917. Secondly, his first preference was not for first past the post, but for proportional representation, and his "next best method" was "the second ballot", which is simply a longer, more expensive form of AV.

Let me turn to a point raised by the hon. Members for Cambridge (David Howarth) and for Eastleigh. I do not dismiss the case for PR out of hand, and I know that it has some adherents on the

Labour Benches. Where elections are to a body that has a representative, not an Executive, function, I have always accepted that the case for PR is much stronger. The truth is that every system has its advantages and disadvantages, but we are of the firm view that a majoritarian system is right for the Commons.

Let me now deal with the specific question of why we propose a referendum. As I have said, this is a matter of trust. Over most of the past 13 years, I have been the Secretary of State with responsibility for coming to the House with various pieces of constitutional change. Some of them have been controversial at the beginning, but on every occasion I and the Government have sought to reach a consensus across the Floor of the House, as we did in respect of the Human Rights Act 1998, the Freedom of Information Act 2000, and the provisions on party funding in 2000 and 2009, and also in respect of devolution, when the proposals were put to a referendum. I believe it is essential that changes to our electoral system—big changes, such as to the number of MPs, which I shall come on to—must be the subject of some kind of cross-party endorsement or referendum, and cannot be seen as partisan tools in the hands of an individual party.

Mr. Edward Leigh (Gainsborough) (Con): Will the right hon. Gentleman give way?

Mr. Straw: No, I am going to make some progress.

That is how we have approached these matters in the past. Between 1997 and 2005, we could have used our huge majorities as a battering ram to disable the Conservative Opposition, but we never did so, because of the care that we, and the Liberal Democrats, have for the way our constitution operates. I must also say that the Conservatives would be willing to take part in that approach. However, let us compare what we propose, which is to ask the British people whether they wish to change the electoral system, with the Conservative party's alternative to restore trust, which is for a 10 per cent. cut in the number of Members of Parliament, without testing the will of the people in a referendum or any effort being made—

Mr. Grieve: Will the Secretary of State give way?

Mr. Straw: No, I am going to make progress. The hon. and learned Gentleman has a speech to make, too. The Conservatives will not make any effort to seek any kind of cross-party consensus.

Cutting 65 to 80 seats by crudely equalising registered voters across constituencies would unjustifiably reduce the number of seats in urban areas when we already know, according to the Electoral Commission's independent

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estimate, that most of the 3 million people who are eligible to vote but who are not registered are to be found in our inner urban areas— *[Interruption.]* It certainly would be gerrymandering. It would disadvantage Scotland, Wales and Northern Ireland. It would hit every island community. Orkney and Shetland would be amalgamated with a large part of the highlands. The Isle of Wight would be amalgamated with a large part of Hampshire— *[Interruption.]* Oh yes, it would.

It might assist the Committee if I set out the views of the Electoral Reform Society, which states:

"Conservative proposals mean that most constituencies will pay less regard to what most voters think of as community and natural boundaries, and change more frequently, destabilising the link between MPs and constituents."

It went on to say that the

"United States"-

the Conservatives have obviously picked this idea up from the United States-

"has rigorous requirements for arithmetical equality of population in congressional districts, but the worst gerrymandering in the developed world. Equal sized constituencies cannot produce fair votes by themselves"-

Mr. Grieve *rose-*

Mr. Straw: I shall not give way. The hon. and learned Gentleman has his own speech to make in a moment.

Mr. Grieve: Disgraceful.

Mr. Straw: I have given way to the hon. and learned Gentleman three times.

The Conservative proposals are in stark contrast with the Government's proposals. We are seeking to legislate for a referendum to give the people a say. The Opposition's aim is to butcher scores of constituencies for sordid political ends, without recourse to any independent review or opportunity for public comment. As a friend of the Conservative party and somebody who has always been concerned about its health, I offer the following thought. They plan, if elected-a receding prospect-to make this change within 18 months and with no proper consultation. Once they have made the change, guess what will happen? The majority of Conservatives in government would not be fighting the Opposition; they would be fighting each other-

Mr. Grieve: That gives the lie to it.

Mr. Straw: So, that gives the lie to what I have just said? What it tells us is that this policy is as well thought through as the poll tax was-a good idea at the time, written on the back-

Mr. Grieve *rose-*

Mr. Straw: The hon. and learned Gentleman wants to ask about the poll tax, so I will give way.

Mr. Grieve: The Secretary of State cannot have it both ways. He cannot, on the one hand, rightly highlight the fact that the pain of the change would be shared equally across both sides of the House and then, on the other hand, say that it has been put forward for party political advantage. May I gently point out to him that the United States has gerrymandering because the votes and the selection of the constituencies and their sizes are determined by the legislatures without intervention

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from any independent boundary commission? As this decision will be in the hands of the boundary commissioners, I hope that the Secretary of State will now withdraw that ludicrous allegation.

Mr. Straw: I do not withdraw that allegation, because it happens to have the merit of being true. What is more, as the hon. and learned Gentleman knows, the proposal would disproportionately hit urban areas, where there are fewer Conservative Members-although there are still some-and more Labour and Liberal Democrat Members, because of the under-representation on the electoral register of millions of voters in those areas. The hon. and learned Gentleman also fails to take account of the need for natural communities to be represented in the House.

Another point makes the Conservative proposal completely bogus. There is a suggestion that the size of this House has somehow increased exponentially. That is not true. The size of this House has increased by 3 per cent.-21 Members-since 1950. The size of our constituencies has increased by 25 per cent. over that period. The work load from constituencies of Members of Parliament, even in this time that I have been in the House, has dramatically increased. The consequence of the Conservative proposals would be to gerrymander boundaries, detach Members of Parliament from their constituencies and, where Members of Parliament exist, add considerably to their work load. That can only mean that the level of service to constituents would be less good, at a time when we should be increasing it.

Let me briefly run through the amendments and new clauses. Amendment 136 provides for a number of provisions in the Bill to come into force when it receives Royal Assent. New clause 88 makes provision for the date of the referendum and the detail of the question to be set by secondary legislation after consultation with the Electoral Commission, defines the alternative vote system that would be the subject of the referendum and defines that it will be a binary choice. New clause 89 defines the franchise, new clause 90 defines the referendum period, new clause 91 relates to the role of the Electoral Commission, new clause 92 provides for funds to be made available, new clause 93 provides a mechanism for settling accounts for expenditure, new clause 94 relates to challenges to the referendum result and new clauses 95 and 96 make minor amendments to the Political Parties, Elections and Referendums Act 2000. Amendment 137 amends the long title of the Bill. Let me remind the House that the 2000 Act contains detailed regulation to ensure fair play, including fair money, for both sides of a referendum campaign. This is an important debate. Its subject is a fundamental plank of our democracy and it comes at a time when this House is held in dangerously low regard. The Government have tabled these new clauses after considerable study and consideration.

6.15 pm

The debate about AV has been going on for 100 years. The alternative vote takes on the considerable strengths of our system and, I suggest, builds on them. We propose a referendum, however, because we believe that it is not for us to make the final decision. It is important that the people should have that choice in a referendum. If the Conservative Opposition feel so strongly about the merits of first past the post, why do they not have the courage of their convictions? They should back the

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proposals and allow the people in their constituencies, as well as those in every other constituency across the country, to make that choice-a mature and balanced choice-after detailed debate some time before October 2011. That is what we propose and that is what I believe should be supported. I commend the new clauses to the House.

Mr. Grieve: I am truly sorry to see the Secretary of State being obliged to be associated with this guff.

The best starting point would be for the Secretary of State to take a short absence from the Chamber to look at the excellent blog site run by his son, Will Straw, on which there has been extensive polling in left-of-centre areas of radicalism about these proposals. No more than 20 per cent., he has concluded, support the alternative vote proposed by the Government and 29 per cent. want no referendum at all. Perhaps we should not be surprised to learn, particularly from a left-of-centre blog, that the vast majority of the remainder want such disparate things that it is impossible to assess what they desire. I think that the Secretary of State would have done rather well to have considered that blog first.

The Government have tabled new clause 88 at this late stage of the proceedings—indeed, at this late stage of the life of new Labour—following the Prime Minister's belated conversion to the cause of electoral reform, which he has so successfully and personally obstructed for more than a decade. For the benefit of hon. Members on the Benches to my left, I think that it is worth recapping the history of new Labour's conversion to the cause of electoral reform.

In 1990, Labour set up the Plant commission, which recommended something that was basically the alternative vote. What was the view of the Prime Minister? He said that it was "defeatism" and attacked

"those who say Labour cannot win and who seek refuge from Labour's mission ahead as a crusade for change in the technicalities of electoral manoeuvring and horse-trading".

How the mighty are fallen.

In 1997, the Government were elected on a clear manifesto promise of a referendum on electoral reform. We all know that it was a device—we know what happens when the Prime Minister promises a referendum. The Government got Lord Jenkins to devise an alternative voting system. Let us remember what Lord Jenkins thought of AV, which the Liberal Democrats will support, I assume, if they cannot get their amendment through. He said that it is "even less proportional" than the first-past-the-post system, "disturbingly unpredictable", and "unfair" to the Conservative party—not that that has ever affected Liberal Democrat and Labour thinking very much. He proposed the proportional system, AV-plus, which he thought fairer. What happened to the promise of a referendum? At that point, the Government's commitment to it completely faded away.

Mr. Leigh: May we pursue the point that the Justice Secretary made about whether voters would have changed their behaviour in 1983 so that there would not have been an even more disproportionate result? If my hon. and learned Friend's constituents in Beaconsfield had been voting under AV, how could they have worked out how to vote to avoid having a bigger Conservative majority in 1983 or a bigger Labour majority in 1997? I do not quite understand what the Justice Secretary is going on about.

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Mr. Grieve: I am extremely uncertain what the Justice Secretary is going on about. My view, particularly in light of his remarks about the state into which the House has fallen, is that the electorate want the opportunity to express their views, and that if they happen to have a very adverse view of a Member of Parliament, they will want that Member to be removed. The last thing that they want is a situation in which the person against whom they have an adverse view comes second, but then magically comes first when the alternative votes are transferred.

Mr. John Gummer (Suffolk, Coastal) (Con): Does my hon. and learned Friend remember that the assessment of what would have happened in 1983 and 1997 was not a party political assessment, but a cold, academic assessment? It said that the results in both cases would have been much less proportionate than what happened under the first-past-the-post system and would have meant substantial over-representation.

Mr. Grieve: I agree entirely with my right hon. Friend and I apologise if I did not do justice to the point that my hon. Friend the Member for Gainsborough (Mr. Leigh) made when I replied to his intervention. I accept entirely that the research that has been carried out on this matter shows

clearly, as I have illustrated in terms of the electorate's will, that the system skews the results of elections in a way that is manifestly unfair.

David Howarth: I thank the hon. and learned Gentleman for giving way because he has just given away my party's whole case, which is that proportionality and fairness are the same thing. If he does not believe that, why does he care about the point that the hon. Member for Gainsborough (Mr. Leigh) made?

Mr. Grieve: I believe in the first-past-the-post system and that the Secretary of State, in terms of his adherence to the alternative vote, does too. That is what distinguishes my party from the Liberal Democrats, who have been clamouring for proportional representation for a long time because that is the only way in which they might wield any influence.

Several hon. Members *rose* -

Mr. Grieve: Let me make some progress. I fully understand the hon. Gentleman's point, but I believe that the first-past-the-post system delivers clear, clean results. That is why my party has consistently adhered to that system, whether it has been to the party's advantage or disadvantage to do so. That is more than can be said for the Government, as is clear from the inconsistencies in the way in which they are operating.

Mr. Robert Syms (Poole) (Con): I remember the last time that the Justice Secretary came before the House to change an electoral system. That was some years ago, when we changed to the list system for European elections. I remember clearly the argument about changing behaviour, which was that turnout would go up when we got rid of the first-past-the-post system. In fact, the opposite happened, so changed behaviour can be bad rather than good.

Mr. Grieve: My hon. Friend is quite right. The list system has effectively destroyed European elections for all practical purposes in the minds of the electorate, and is one of the great disasters that we have visited upon the country. That is reflected in low turnouts and the

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contempt that people feel about what is now a sort of Buggins' turn system that is dictated by the political parties.

Chris Huhne: While the hon. and learned Gentleman is extolling the virtues of the first-past-the-post system, will he answer the question that the Justice Secretary refused to answer? How low would the Government's share of the vote have to be for him to regard the system as illegitimate? Would it have to be lower than 35 per cent., which is what the Government had?

Mr. Grieve: It seems to me that it is a legitimate system whatever the percentage, because the electorate are asked a perfectly straightforward question—who do they wish to represent them? It gives the majority view on a single person. I am sorry that the hon. Gentleman cannot see that. The system is straightforward, simple and requires people to make sensible choices about who is likely to be elected and who they might therefore wish to support. For those reasons, I think that the system is extremely clear and commands widespread support.

In my constituency—I make this point also in the context of the Liberal Democrats—I get very few representations about changing the electoral system. I suspect that the same is true for many hon. Members. The more that people study proportional representation systems, including purist systems such as that in Israel, the more they must conclude that such systems saddle countries with

impossible legislatures, that no proper governance can be carried out under them and that they bring inertia. For those reasons, PR does not commend itself to me.

Mr. Pelling: Will the hon. and learned Gentleman give way?

Mr. Grieve: In a moment. Let me make a tiny bit more progress.

I was just pointing out that when the first great reform went into the sands, it was the leader of the Liberal Democrats who pointed out that it was the then Chancellor, the current Prime Minister, who blocked it. The current Home Secretary has said that Labour

"lost the will to carry it through...when narrow party political advantage dominated our internal debate in the Labour Party."

I fear that the Justice Secretary is moving towards that position again, because the only conclusion that one can reach from the incoherent proposals before us is that they are seen to have a narrow party political advantage for the Government. Many Government Back Benchers, however, can see that the proposals are seriously flawed.

Martin Linton (Battersea) (Lab): Surely, if there was a bias in the elections that have been mentioned, it was not in the voting system but in the second preferences of Liberal Democrat voters. The answer to that for the hon. and learned Gentleman must be to broaden his party's appeal and not to deny voters a choice.

Hon. Members: Voters have a choice.

Mr. Grieve: I agree that voters have a choice. Frankly, I am singularly unconcerned about the Liberal Democrats' preferences or tendencies, or about where they will go for a second vote. I am by no means persuaded that the hon. Member for Battersea (Martin Linton) is right.

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The evidence from my constituency is that it is most improbable that Liberal Democrat voters would exercise a second preference vote in favour of a Labour candidate, but things might be different in other places.

Bob Spink: Will the hon. and learned Gentleman give way on that point?

Mr. Grieve: In a moment.

When the Prime Minister took office in 2007, he promised to publish a review. In 2005, Labour announced that it was conducting a review, and in 2007 he said that he was going to publish it. This is a key issue because he did not make any attempt to hide the fact that the report had already been written. In fact, it was effectively locked in the Justice Secretary's bottom drawer. There was a problem with the 2005 review because even though its terms of reference were to look at the voting systems that were used, someone, in conducting the review for the Labour party, seemed to have asked the team to look at the alternative vote as well. The conclusion that the review came to was that the AV was capable of producing even more disproportionate outcomes nationally than the first-past-the-post system.

Mr. Redwood: What is fair about a system that means that those who vote for the first or second-most popular parties only get to vote once whereas those who vote for the third or fourth-most popular parties get to vote twice? Why should they get to vote twice if the rest of us are not able to?

Mr. Grieve: I agree entirely with my right hon. Friend. I was not going to quote Churchill, but it seems to me that that is a problem that he correctly identified in 1931—the disproportionate weighting that the system would give to the views of those who are idiotic or ridiculous.

Mr. Jeremy Browne (Taunton) (LD): Will the hon. and learned Gentleman give way?

Mr. Grieve: In a moment.

The Minister of State, Ministry of Justice (Mr. Michael Wills): On that point, given what the hon. and learned Gentleman has just said, what is his position on the Conservative party's system for electing its leaders?

Mr. Grieve: I thought that we had sorted this out in interventions on the Secretary of State. We are talking there about electing a single person to an office, not about electing a Parliament. In any event, it is not an alternative vote system, as only two people go to the electorate. The electorate do not have a choice between more than two candidates in the first place.

Chris Huhne: Will the hon. and learned Gentleman give way?

Mr. Grieve: In a moment. [Hon. Members: "Frit!"] I am sure that there is a desire to interrupt an account of what happened in 2007, because it highlights the full extent to which the Government cut the ground from under their own arguments.

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6.30 pm

In January 2008, the Secretary of State published his review, from which the section on the alternative vote system had mysteriously and conveniently disappeared. However, anyone bothered to read the detail would see that the review provides a snapshot of what would have happened at the 2005 general election, had it been run under a variety of voting systems. Helpfully for the Prime Minister, on page 130 it also provides a useful ready reckoner. It considers in depth the d'Hondt method, the least-squares proportionality system and Arrow's paradox, but what was plumped for was the only system that would have given Labour even more seats than first-past-the-post at the 2005 election. I might add that the same system was the only one that would have given the Conservative party fewer seats than in 2005—even though, in England, we gained a majority of the votes cast.

Mr. Donohoe: Will the hon. and learned Gentleman address the anomalies north of the border, where there are four different voting systems? Is it Tory policy to have only one there—the first-past-the-post system?

Mr. Grieve: From the many debates that we have had on Scotland, the hon. Gentleman knows that we are respecters of the devolution settlement. I am happy to debate reform of the first-past-the-post system there, and indeed the Secretary of State has tried to debate that too, but our respect for devolution means that, notwithstanding our support for reform, we would not impose a new system. That is something that must be determined by the Scottish Government and electorate.

However, I do share the view of the hon. Member for Central Ayrshire (Mr. Donohoe) in one respect. When I visit Scotland, the people to whom I speak are not, on the whole, Conservative

party supporters. My experience is that there seems to be a great deal of dissatisfaction with the electoral system that has been foisted on the Scottish electorate, who appear to be deeply unhappy with it. For those reasons, I believe that the Scottish system is something that the House ought to heed, as it does not offer a good reason why we should go down the same road.

Chris Huhne: On that point, will the hon. and learned Gentleman say whether he regards the Conservative party's Scottish representation in Westminster as fair?

Mr. Grieve: Yes, it is fair. I have no difficulty with the first-past-the-post system for Westminster elections, as I have made clear. The fact that my party in Scotland has very poor representation in Scotland is a challenge that we must do something about. If we cannot, we will continue to have very poor levels of representation—simple as that.

Mr. Pelling: Will the hon. and learned Gentleman give way?

Bob Spink: Will the hon. and learned Gentleman give way?

Mr. Grieve: No.

Mr. Wills: Before the hon. and learned Gentleman moves on, he has made great play of the review of voting systems. I have the document here—

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Mr. Grieve: I do not.

Mr. Wills: Then he should not quote from documents with which he is not familiar. In the introduction to the scenario to which he has just referred it states:

"A large number of assumptions have to be made".

That is precisely the point that my right hon. Friend the Secretary of State made. Does the hon. and learned Gentleman accept that we cannot be so arrogant as to presume how voters will vote under a new system that is different from what has been in place in the past?

Mr. Grieve: I understood the Secretary of State to say that he assumed that people would vote differently. That is another piling-on of assumptions, and I do not think that this House should legislate on the basis of such assumptions. All I can do is point out what the report says, including the fact that it makes it clear that the alternative vote system would have delivered more seats than the first-past-the-post system for Labour in 2005, even though it only gained 36 per cent. of the popular vote. That seems to me to be a very poor starting-point for change in that direction.

Mr. Gummer: Does my hon. and learned Friend agree that it is very difficult to decide how people would have voted in any past election? However, is it not sensible to try to take the best estimate of that, rather than one that comes out of the air? The document makes it clear that, of all possible systems, the alternative vote system would have been more unfair than first past the post on every occasion.

Mr. Grieve: Yes, I agree entirely with my right hon. Friend. I presume that the Minister of State was speaking on behalf of the Government, so it is astonishing that he should rise to his feet and

say-suddenly and almost ex improviso-that the Committee should not follow that series of assumptions. We have to make a judgment, on the basis of what the evidence suggests.

Mr. John Hayes (South Holland and The Deepings) (Con): Does my hon. and learned Gentleman agree that the Secretary of State once understood that himself? The unfairness described by my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) has to do with proportionality. When the previous Labour Prime Minister flirted with these matters, the Secretary of State said that first past the post, and similar systems, give

"power to the largest plurality and so help secure a system where the proportionality, not between votes and seats, but between votes and power, may be the greater."-[*Official Report*, 25 November 1997; Vol. 301, c. 804.]

I wonder why he changed his mind about that.

Mr. Grieve: I have a soft spot for the Secretary of State, and I have to tell my hon. Friend that I wonder whether he really has changed his mind. The way that the new clause has been introduced, the length of time that it took to germinate, the internal debates that clearly took place at parliamentary Labour party meetings and the sounds that one could hear coming out of the Room where they took place-all of that rather strongly suggests that the Secretary of State was fighting a rearguard action against a Prime Minister who was both losing the plot and taking leave of his political senses in a desperate bid to stay in office.

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Sir Patrick Cormack: Is not the greatest absurdity of all the fact that the Secretary of State knows full well that there is no chance of this Bill becoming law? There is no time for Parliament to pass the legislation before the general election, so are we not merely going through a ridiculous charade?

Mr. Grieve: My hon. Friend makes a very good point. There is something somewhat unreal about this, and I shall return in a moment to considering why the Government have acted as they have.

Mr. Redwood: Labour and Liberal Democrat representatives seem keen to say that we use the alternative vote system for our internal party elections, but we do not. The system used for our leadership election is the progressive rounds model, under which one candidate drops out at each stage, with everyone being given a vote on the remaining candidates. That could not conceivably be adopted for general elections, as having six or seven candidates at the start would mean that the election would take about three months. The electorate would get bored, and the costs would be massive.

Mr. Grieve: I agree entirely with my right hon. Friend, but this is not the first time that we have had surreal proposals from Labour Members.

I want to return to what has happened recently. Last week, after 13 years in power, only weeks away from a general election and with the Secretary of State's party behind in the polls, the Prime Minister decides that he is going to break yet another promise. Whereas he previously said that he would put a commitment to a referendum on AV to the people at a general election, and notwithstanding his party's internal debates, he is now going to introduce the system in this Bill.

It is very difficult to take seriously a person who is dithering around for what is clearly nothing more than the shortest-term possible political advantage. Why did the Justice Secretary go along with this? Did the Welsh Secretary twist his arm? Did the Secretary of State for Culture, Media and Sport pull rank on him? I find it incomprehensible why somebody with the common sense of the Secretary of State would decide to go down that road, and I feel truly sorry for him.

Bob Spink: Will the hon. and learned Gentleman give way?

Mr. Grieve: No, I really must make progress.

The Liberal Democrats have tabled amendment (d) to give the public a choice on the proportional representation system that the Liberal Democrats have long and consistently campaigned for. As I said a moment ago, that system would lead to weak, unstable government, to minority parties holding the balance of power on a tiny fraction of the vote, and to extensive parliamentary representation for madmen and extremists. The Liberal Democrats have supported PR for a very long time, but I long ago realised that in matters of rationality the Liberal Democrats do not surface very much.

This is the issue: amendment (d) will be put to the vote later and defeated. I forgive myself for turning to a role of prophecy, but I think that I can say with some certainty that the amendment is going absolutely nowhere. What then are those hon. Gentlemen from the Liberal Democrats going to do? How on earth are they going to

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justify voting for a system that is less proportionate than first past the post? I heard the hon. Member for Eastleigh (Chris Huhne), their Home Affairs spokesman, say earlier today that they would support the alternative vote system in the referendum because it represented "baby steps" towards proportional representation. It is no wonder the Prime Minister thinks that the Liberal Democrats were born yesterday.

Time after time, the Liberal Democrats are succoured by broken promises of electoral reform, but there may be another reason for their support. Again, if we turn to the ready-reckoner in the Ministry's review, which the Minister has, we find that, although the alternative vote system is less proportionate overall, it would significantly benefit just one other political party apart from Labour. [Hon. Members: "Who?"] It would benefit-surprisingly-the Liberal Democrats, giving them more seats. So they must think that we were born yesterday if they think that we are going to support such a proposal.

Mr. Jeremy Browne: The hon. and learned Gentleman has spent his entire speech arguing for the merits of a system that is disproportionate and gives one party government, and arguing against AV because it is more disproportionate than first past the post. Should he not have spent more time preparing his speech?

Mr. Grieve: There is no perfect system, although I am bound to say- [*Interruption.*] No, there is not: there is no perfect system, and I defy the Liberal Democrats to argue that there is. I do not put it past them to try to run such an argument, which I look forward to, but I am singularly unconvinced by it. First past the post delivers clarity; it is well established in this country; and it enables electorates to get rid of Members whom they do not want and express a clear choice. The alternative vote system, with which the Liberal Democrats are being seduced, skews the result towards far greater unfairness than anything that first past the post could ever achieve.

Chris Huhne: The hon. and learned Gentleman says that the existing system allows people to get rid of MPs whom they do not like, but they can do so only if they are prepared to change their party allegiance. Many people are not prepared to do so, and only the Irish system-the single transferable vote system-allows people to choose the party and the person. Indeed, one third of people who lose their seats in the Irish system lose it to members of their own party. That is discipline; that would get rid of safe seats; and that would ensure that voters' choice really did count.

Mr. Grieve: Voters can make up their own mind, and I disagree with the hon. Gentleman. Voters are offered a clear series of choices to make, including whether they wish to vote tactically-something that Liberal Democrats specialise in. On the whole, that is not a major problem and, indeed, they benefit from tactical voting, as they readily admit. Their by-election literature is all about tactical voting. How often have I seen "Only the Liberal Democrats can win here" on election literature. The hon. Gentleman's argument therefore has no basis whatever.

Mr. Straw: The new clauses before the Committee would not impose the alternative vote system on the British people, but give them a choice. As far as I can tell, the hon. and learned Gentleman has not used one

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word of his speech to oppose those clauses, so, if he is so confident of his opinions, why is he scared of putting them to the British people?

6.45 pm

Mr. Grieve: I refer the Secretary of State to his son's blog. [*Interruption.*] Yes, I do. I commend it to the right hon. Gentleman, because it highlights the fact that the Government have not chosen to give the electorate any viable choice in this bogus referendum. The only choice is between an established system and a system that is so manifestly flawed-except for the possible short-term advantage that it delivers-that it is not worthy of consideration. I have some sympathy with the Liberal Democrats, because, if the Government wanted to offer a constitutional convention-style approach to the electorate, with a multiplicity of choices, the Secretary of State's argument might have some force. At the moment, however, it has none, because what is being offered is a short-term gimmick.

Bob Spink: Will the hon. and learned Gentleman give way?

Mr. Grieve: No.

May I commend to the Secretary of State the words of his hon. Friend the Member for Glasgow, South (Mr. Harris)? On his blog of 19 November, he said,

"you know the best way of electing a Labour government? Not through messy, sordid little deals with the minor parties, but by winning more votes than the Tories. That's how they stayed in power for most of the last century-by beating us in elections; by offering the electorate policies that were more popular than ours."

Clearly, the Prime Minister has given up on that strategy, but we should not be too surprised. The hon. Gentleman went on to say that

"we simply reinforce the notion...that we have nothing to offer the voters but electoral calculations."

Mr. Wills: The hon. and learned Gentleman has quoted at great length from the review of voting systems, but on the spreadsheet that he has cited so often the review says that

"the ERS analysis assumed that in the 2005 election relatively few voters who principally favoured another party would have put them"-

the Conservative party-

"as second choice."

Why does he think that is?

Mr. Grieve: I have not the slightest idea. The Minister is now getting bogged down- [*Interruption.* / But he is. He wishes to embrace that document, so why have the Government come to the House to say that there should be a referendum on moving from the first-past-the-post system only to an alternative vote system? The Minister cannot escape that issue, and it highlights the way in which the Government have conducted the whole debate. That is why I shall ask my colleagues, and, indeed, every Member who wants any sensible debate about electoral reform, to reject the proposals before us.

Mr. Wilshire: On my hon. and learned Friend's point about why only one alternative voting system would be offered, does he not think that if AV were such a good idea the Government would come forward with a list of opportunities and, using AV, tell the electorate to put them in some kind of order?

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Mr. Grieve: Yes, my hon. Friend makes a good point. The evidence of the Government's motivation is overwhelming, and it comes from their own supporters. Baroness Kennedy of The Shaws, a founder member of Charter 88, said:

"It smacks of the usual scheming and calculation-just what political reform should be designed to end."

Labour's former Mayor of London said:

"Many people like myself who have long fought for a truly representative voting system will be left with no alternative but to support first-past-the-post because the AV alternative is even worse...Those voters who have backed one of the two strongest candidates in a constituency get no further say in the process, whereas those who have voted for minor parties and crank candidates then get a second vote to determine the outcome between the two leading parties."

The hon. Member for Wolverhampton, North-East (Mr. Purchase) says:

"First past the post is the only sensible system"-[*Official Report*, 16 June 2009; Vol. 494, c. 156.]

while the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) says that

"the alternative vote system...can be even more disproportionate in its effects than the first-past-the-post system"-[*Official Report*, 16 June 2009; Vol. 494, c. 155.]

As I said at the beginning, this proposal is guff. As was rightly highlighted by my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack), the straightforward point is that the Government know very well that this debate is going nowhere. We are now on the sixth day of the Committee stage of a major constitutional Bill. The House is about to break for 10 days. There will have to be Report and Third Reading, and there is not the slightest prospect of this legislation's reaching the House of Lords before the very end of the month or early March for Second Reading. On all the evidence, this House will finally have died into Dissolution by the end of March or early April.

All the posturing that the Government have fed us this evening, all their insistence on the importance of party loyalty from their own Back Benchers-many of whose views I respect and many of whom are clearly unhappy with the proposals-are for the shortest-term political advantage. With spin, a bit of media management and some smoke and mirrors, the Government try to make out that this is something new in new Labour. In fact, as far as I can see, it is the dying jerks of a Government who have run out of ideas. That makes it all a bit miserable, but the fact that the Liberal Democrats are prepared to sign up makes it a complete charade. We will oppose the proposals.

Mr. Frank Field (Birkenhead) (Lab): I wish to move the amendments that stand in my name on the amendment paper, but I also want to pick up the theme-

The Chairman: Order. This is not the moment to move amendments; we have to dispose of new clause 88 first. The right hon. Gentleman can, of course, speak to the new clauses and amendments in this group.

Mr. Field: After that happy start, I rise again to speak to new clause 88; in passing, I shall obviously want to speak to the amendments tabled in my name on the amendment paper.

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I want to pick up the theme on which the hon. and learned Member for Beaconsfield (Mr. Grieve) ended and which the hon. Member for South Staffordshire (Sir Patrick Cormack) noted earlier. I hope that whoever is in the control box allowing what we say today to go out on the network has already pulled the plug in that it must be worrying for our constituents to watch us seriously debating a measure that we know will not affect legislation, the election result or whether we have a referendum.

In tabling my amendments, which I cannot yet move, Sir Alan, I hoped to turn this debate into a general discussion of parliamentary reform. One theme unites many of us on both sides of the House-the uncomfortable fact that a large number of us are returned to the House with only minority support. What we do about that is the beginning of the debate, not the end of it.

What worries me about the proposals that we are debating is that it is not difficult to imagine some of our colleagues initially being clear winners against three or four other candidates, but, through a process of elimination, losing their seats because the votes eventually go to the runner-up. There is a terrible illogicality in having a system in which a candidate can have a clear lead in the first-preference votes, but in which the second or third-preference votes become equal to the first-

preference votes in further stages of the counting. Clearly, those other votes are not equal to the first-preference votes; if they had been, people would have voted differently in the first place.

Chris Huhne *rose-*

Mr. Hayes *rose-*

Mr. Field: I give way to the hon. Member for South Holland and The Deepings (Mr. Hayes).

Mr. Hayes: The point that the right hon. Gentleman has made is disturbing enough when it involves the extra power that would be gained by those whom we deride on the Liberal Democrat Benches. It is chilling, however, when one considers that it would also give extra power to those whom we detest in small, extreme parties that I shall not honour by naming.

Mr. Field: I totally agree, but I do not want to go down that particular route; I want to try to move on the debate a little.

Should the plug in the control box not have been pulled and should our constituents be watching this debate, they will think how old-fashioned it is that the only way in which we are talking about election is in respect of the old parliamentary system. There has been a big debate in the country about how we select candidates. Some people have an objection to safe seats; the answer, surely, is to consider seriously-not necessarily embrace-paying some attention to the mechanisms by which we select candidates.

My own seat of Birkenhead is quite safe-it was at the last election, at least. The real fight is about who will be the Labour candidate. I would welcome our having an open primary, in which there was a real contest for the Labour candidature; everybody would know that the person who won that would also win the seat. The

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quid pro quo would probably be that we would move back to seeing uncontested returns in "safe seats" where open primaries were held.

Several hon. Members *rose -*

Mr. Field: I give way to the hon. Member for Epping Forest (Mrs. Laing).

Mrs. Laing: As I am sure the right hon. Gentleman is well aware, the Conservative party has held several open primaries to select candidates. They have been very successful and produced excellent candidates, who will be excellent MPs.

Mr. Field: We hope that they will be excellent candidates and MPs. Having been selected in that way, they will certainly have a different authority from that of the rest of us. That is why I wish that we had embraced that system. I wrote to the Labour party campaign, asking whether it was going to have an open primary. I was told that it would love to, but that it would cost £50,000. I asked whether it was possible to find that money, but I was told that the campaign was in the business not of raising money, but of issuing press releases. That did not take us much further.

Several hon. Members *rose -*

Mr. Field: I give way to the hon. Member for Mid-Sussex (Mr. Soames).

Mr. Nicholas Soames (Mid-Sussex) (Con): I support what the right hon. Gentleman has said about open primaries. Does he agree that, particularly at a time when participation in politics and political life is at an all-time low, anything that brings more people into the political process is devoutly to be welcomed?

Mr. Field: It is. One of the constraints on our current debate has been our use of an old-fashioned set of spectacles, always looking at engagement as being only one-way, rather than looking at where the voters might be. The selection of candidates, as the hon. Gentleman has affirmed, is one key way of addressing that.

Mark Durkan (Foyle) (SDLP): My right hon. Friend has already accepted the dangers of the costs of an open-primary system. Does he not also accept that, in logic, a primary system is essentially a process of electoral elimination, whereby weaker candidates fall away and those who support them end up helping to decide who finally wins? That very logic has been criticised in the alternative vote system. Surely the real issue is about how we get to a point at which every Member can truly say that they have a measure of mandate from a majority of their constituents. That gives us the alternative vote.

Mr. Field: I am grateful for that, but I shall not go down that route; the Chairman might suggest that I should be speaking to the main new clause and not that issue.

If what used to be called safe seats adopted a method of open primaries that were followed by uncontested results at the general election, the overall cost to the electoral system might not be that much greater. In other words, we would be using some of the money

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currently used in a general election to extend- [*Interruption.*] It is very good, is it not, that we now see where the Liberal Democrats stand on this issue? They are laughing at the idea of people trying to grapple with how we make it easier for our electorates to make their views sovereign in the process rather than ours.

7 pm

Graham Stringer: My right hon. Friend has obviously thought very deeply about we can address the disillusion with politics. However, is not this a particularly difficult time to go to the electorate and say that we want more money for the internal political process? Even in a seat like Birkenhead, if a Labour candidate is selected by an open primary, we cannot guarantee that there will not be a succeeding election and therefore an extra call on money from the public purse.

Mr. Field: I agree with that. However, given my earlier suggestion that we should use this debate not seriously to undertake a major constitutional measure but to open up how we make our system more representative, no cost would be involved at this stage.

Geraldine Smith (Morecambe and Lunesdale) (Lab): I think that there are dangers with open primaries. Supporters of the Opposition parties may turn up and vote for the weakest candidate, or there may be a candidate with a particular interest—for example, a pro-life candidate—who floods the place with their supporters. This could end up being very undemocratic.

Mr. Field *rose-*

The Chairman: Order. The right hon. Gentleman has a reputation for bringing new angles to our debates, but I think that this one might be stretching outside this group of amendments and new clauses, which, heaven knows, raises wide enough issues.

Mr. Field: I hope, Sir Alan, that you will nevertheless allow me to conclude this part of my speech. During the open primary in Totnes, the Liberal Democrats set out to try to get the person they considered to be the weakest candidate elected, and thanks to their campaign the weakest candidate came bottom of the poll. We must not underestimate the common sense of our voters.

Bob Spink: Will the right hon. Gentleman give way?

Mr. Field: No, I am going to make a small amount of progress, because you, Sir Alan, were kind enough to say that I could mention, at least in passing, the amendments that I have tabled.

The amendments try to address the central weakness of the proposal that Government wish us to carry tonight—that a system of voting whereby second, third and fourth preference votes in constituencies where there is no majority winner then become, in a progressive movement, first preference votes. I do not believe that one can support that system.

Martin Linton: I know that my right hon. Friend has 65 per cent. of the first preference votes in Birkenhead, and I compliment him on that. Does he recognise that there are already millions of voters in hundreds of constituencies who know that their first preference does not have a chance and therefore vote for their second preference? We already live in a system where millions

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of people use the alternative vote, but they have to guess who the top two are going to be. Does he recognise that in the majority of constituencies the situation that he has described does not obtain, and that we need a solution to tactical voting, which is the alternative vote system?

Mr. Field: If that is my hon. Friend's thinking, I hope that I will persuade him of the merits of my amendment. I do not want anyone to think that I am not concerned about the fact that votes are not equal between constituencies. If we go back in history, one of the demands—it was not just a radical plea of the Chartists, but one that was picked up on the other side—was to have single votes and equal votes. It is clearly very different if we look at the numbers by which Labour Members and Conservative Members are elected. Unfairest of all is how many votes the Liberal Democrats have to receive to get a single Member of Parliament.

In my amendment, I propose the French system, whereby people have a vote whereby they are free to nominate any number of candidates that they wish, and they have a first preference vote. In constituencies where the candidate gets 50 per cent. plus one, they are declared elected. In all the other constituencies where a majority of the voters who turn out have not elected a member, during the following week the top two candidates are put back on to the ballot paper. In those circumstances, there is no need to guess, because everybody has first preference votes again. It is true, of course, that that system might be more expensive, but given what we spend money on now, might not the electorate prefer it? Interestingly, it is consistently the case in France that turnout on the second day of polling is significantly higher than on the first day.

Richard Burden (Birmingham, Northfield) (Lab): I am following my right hon. Friend's remarks with care. I wonder whether he has studied some of the analysis by the Electoral Reform Society. When it conducted a survey of different sorts of preferential voting systems a couple of years ago and looked at the French experience, particularly in the presidential election, it found that there was precisely the kind of tactical voting that my hon. Friend the Member for Battersea (Martin Linton)

has mentioned. In particular, supporters of Chirac lent their votes to Le Pen to ensure that the run-off was between Le Pen and Chirac. That was a rather strange situation that did not really represent what was going on elsewhere. There is evidence of similar things happening in the presidential elections in Cyprus. Why does my right hon. Friend think that that would not happen here?

Mr. Field: I am not putting this proposal forward as the silver bullet to solve all the problems. I welcome the fact that the Government, even late in the day, are opening up the whole debate on parliamentary reform. It is crucial that we constantly strive to improve the form of representation that we have in this country. I do not think for one moment that it would guarantee that we did not get such results, although such voting is dominant mainly in elections of the French Parliament, not the French President. Given those circumstances, I hope that we will look seriously not only at the one option that is being put forward today but at a series of alternatives in the form of a debate rather than moving to a resolution this evening.

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Bob Spink *rose-*

Mr. David Drew (Stroud) (Lab/Co-op) *rose-*

Mr. Field: As the hon. Member for Castle Point (Bob Spink) has been jumping up a lot, I will give way to him and then to my hon. Friend.

Bob Spink: I am grateful to the right hon. Gentleman. If he presses his amendment with the three alternatives to the vote, I will vote with him. On the AV system, does he accept that voters will not easily switch their allegiance between the main political parties, so the real political advantage will go to independents? Does he think that that might be a good thing, and that people might want to have more independents in this House in order to break the grip of the Whips from the main political parties?

Mr. Field: It is always good to have a disinterested contribution made here.

Mr. Drew: Much as I have difficulty with this proposal, because it is based on the French system, does my right hon. Friend agree that we would need to take the whole package? French national politicians also have local representative roles, and I have always felt that one of the weaknesses of the UK system is that we have to throw away our local power base to get elected as an MP. That is a weakness, is it not?

Mr. Field: I will not go too far down that path, except to say that I have been in the House for 30 years, and it is interesting how the role of an MP has changed. Although we may not formally have the role that my hon. Friend has mentioned, my role as Back-Bench Member of Parliament representing a moderately safe seat—as my hon. Friend the Member for Battersea (Martin Linton) was kind enough to point out—has changed out of all recognition in those 30 years. We do not have formal clout, and we are not elected to positions, but I am involved at a local level to a degree that would have been unimaginable when I first came into the House.

Mr. David Winnick (Walsall, North) (Lab): That is true of all of us.

Mr. Field: Indeed, and I am grateful to my hon. Friend for saying so.

I want to bring my remarks to conclusion, if I may. I welcome the Government's opening up this debate. It is not for us to put our sticky fingers into the soul of the Justice Secretary to try to work out what his motives are; we are all accountable for our own motives. In any event, good will come from our having a debate about how we can make this place more representative.

I do not believe for a moment that this is a serious legislative contribution, because even if we complete it in time a deal will be done between the parties in the other place so that it does not see the light of day, and certainly so that it does not come back to us before the election. What we ought to take from today's debate is the extraordinary enthusiasm for the matter. In which other debates do we get such a number of Members in the Chamber, even at Committee stage? We are interested in this issue, and I say to the Justice Secretary that today is the start of it, but sadly not the conclusion.

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David Howarth: I am sorry that I do not agree with either of the points that the right hon. Member for Birkenhead (Mr. Field) made. That is unusual for me, because usually I agree with his points. The first was that under preferential voting systems, people effectively have more than one vote. That is not the case, because as the hon. Member for Battersea (Martin Linton) pointed out, they have one vote but are effectively asked what they would do with it if their first-preference candidate were not standing. That is called tactical voting, which happens all over the country in every general election, but in a preferential voting system it is done more formally and rationally, and people do not have to guess.

The right hon. Gentleman's second point was in favour of the French system. I am sorry that I cannot follow him on that either, even though, unlike the hon. Member for Stroud (Mr. Drew), I am generally a great admirer of all things French. The electoral system in France has had an unfortunate effect not just on its politics but on its culture and way of life, because it has split the whole country into two large camps of left and right. France suffers constantly from that, and we should not go down that route. It would have the effect—perhaps many Members would welcome this—of taking us back to a bipolar system that is very difficult to break into. It is very difficult for new views to come through in such a system.

It seemed to me that the hon. and learned Member for Beaconsfield (Mr. Grieve) had only one argument, which defeated his own case. It was that he was against AV because it could be less proportional than first past the post, which is true. If he accepts that argument, he should therefore accept that as the single transferrable vote system, for example, is more proportional than first past the post, it is better and fairer according to his own argument. The Conservative case therefore seems self-contradictory.

Mr. Gummer: Does the hon. Gentleman not accept that many of us believe that despite its disproportionate drawbacks, the advantages of the first-past-the-post system are so great that it is better than any proportional system? It is perfectly possible to argue that proportion is the only reason why one might want a change, and that this is the one disproportionate way of changing the system. It is therefore utterly barmy. To have a choice between first past the post and some sensible, proportional system, so that people could make a reasonable decision as to whether the advantages of one system outweighed its disadvantages, would be perfectly reasonable. However, to choose between one disproportionate-

The Chairman: Order. I know that there are complex arguments to be put in Committee, but I have to say to the right hon. Gentleman that that is an extraordinarily long intervention and may deprive himself and others of the time that they will need later.

David Howarth: I am trying to remember the start of the intervention. It seems to me that one cannot argue that first past the post balances the disadvantages of disproportionality and the advantages of decisiveness in such a well calibrated way that any movement either way is obviously wrong. That does not make any sense, especially as everyone admits that we cannot tell precisely the degree to which AV would make a difference. We

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cannot answer that question, because preferential voting is like tactical voting but carried on in a different, more organised way. If tactical voting is unwound and people start to vote for their first preference, they will be voting in a way that they do not now. That is why it is perfectly reasonable to say that we do not know what the effect of the AV system would be.

Lynne Jones: Those of us who feel that we ought to move to a more proportional system cannot support the Liberal Democrat proposal, because it would break the link between the Member and the constituency. I would find it absolutely onerous to be a Member of Parliament representing the whole of Birmingham, for example, along with other Members. Why are the Liberal Democrats not supporting the proposal put forward by the royal commission, which is well thought out? It would move towards proportionality but by and large keep the link between even the additional Members and their constituents.

7.15 pm

David Howarth: There are two points to consider in the hon. Lady's question. The first is whether the single transferrable vote would break the constituency link, which it would not. It would just mean that there were more Members per constituency. It would break the one Member, one constituency link. For 17 years I was a local councillor and there were three members in my ward, but I did not feel that that meant I represented the people in my ward less. In fact, when a member of another party represented the ward for a few years, it increased competition between the parties in the ward and made us all better representatives.

The hon. Lady's second point was about the Jenkins commission's proposal, which was a political compromise but not one that we have to stay with for ever. It has a great number of disadvantages. First, it would set up two entirely different sorts of Member—the constituency Member and the list Member. There would be an overlap of responsibility between the two, but they would have very different mandates, which would lead to difficulties. Secondly, because the county seats would be so small—the lists would not be national; they would relate to very small regions by the standards of most regional list systems—the proposal would create the most extraordinary conflict of interest between AV-elected Members and county list Members. It would be in the interests of a list Member if his or her party colleagues lost in the constituency seat, which does not seem particularly sensible from the point of view of political parties or coherent government.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): The situation that the hon. Gentleman describes applies under the additional Member system in both Scotland and Wales, and the most reasonable commentators do not see any difficulty with that system. If it works well in Scotland and Wales, why cannot it operate at UK level for this Parliament?

David Howarth: I concede that it is a better system than first past the post, but a lot of the problems are about how big or small the electoral regions are. The larger they are, the less problem

there is with the overlap between the jobs of the two sorts of Member, and the less it is in the interests of list Members that people on their own side are defeated in the constituency elections.

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Mr. Cash: Does the hon. Gentleman accept a point that I have addressed to him and the Secretary of State, that advocating proportional representation is an attempt to obtain more seats? In a way one can understand the Liberal Democrats taking that view—there is a sort of cynicism there, but it is an understandable one. Does he also accept that in the heady days long ago when Lloyd George had a big majority, he said that proportional representation was

"a device for defeating democracy...bringing faddists of all kinds into Parliament and...disintegrating parties"?

Then in 1931, Lloyd George changed his position, and in an electoral reform Bill proposed the alternative vote. Does the hon. Gentleman not see a little cynicism in all this?

David Howarth: It comes as no great surprise that my great leader Mr. Lloyd George was accused of cynicism on occasions, but nevertheless there is equal cynicism in the Conservative party, which argues for first past the post solely because it gains such a disproportionate advantage from it.

Mr. Tom Harris: The hon. Gentleman said earlier that the STV system does away with the single-Member, single-constituency link, but that is not quite true. The Liberal Democrats have tabled new schedule 3, which proposes new multi-Member constituencies. For instance, under that proposal, my seat would be subsumed into a seven-Member Glasgow seat with an electorate of 500,000. Some of those Members would, of course, be from minority parties. However, Argyll and Bute, with an electorate of 68,000, would remain a single-Member constituency, as would Orkney and Shetland, with an electorate of 35,000. Can he tell the House to which party the current Members for those constituencies belong?

David Howarth: Our proposal would do the same for the Western Isles, which is held by the Scottish National party. In any circumstances, there are certain geographical limits to the size of a seat. That is why, in any preferential system, there must be a range in the sizes of constituencies. One can have bigger seats in urban areas while retaining a sense of representing a geographical area than one can in rural areas, especially the thinly populated marine areas of the sort the hon. Gentleman mentioned. On the whole, the proportionality of the STV system comes from urban areas, because there are larger numbers of Members in those seats. That has always been the case. The proposal in 1916 was precisely that there should be STV in the cities and AV in the countryside, so it is not new.

Daniel Kawczynski *rose-*

Hugh Bayley (City of York) (Lab) *rose-*

David Howarth: I will give way to the hon. Gentlemen later, but I want to make some progress—I have not even started my speech yet.

Although new clause 88 is far from perfect, for reasons that I will seek to explain, and although we will seek to amend it radically, we will support it in the Lobby, at least so that it is read a Second time. According to the rather peculiar procedures of this Committee—compared, for example, with

local government-the only way one

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can press an amendment to the new clause to a Division is if the new clause is read a Second time.

Why are the Government proposing a referendum between AV and first past the post, and not between the latter and a more proportional system? To that extent, I agree with what Conservative Members have been saying.

Mr. Oliver Heald (North-East Hertfordshire) (Con) Will the hon. Gentleman give way?

David Howarth: In a second. Why have the Government come to propose such reform so late in the day? It looks like a manoeuvre to me—a death-bed conversion. In Cambridge in 1997, I was obviously identified by the Labour party as a Lib Dem voter—I was a Lib Dem councillor, so I suppose I was rather easy to spot. I received a targeted letter from the Labour candidate—all parties send them—who expressed her undying support for a referendum on electoral reform. She asked me to vote tactically for her on the ground that a Labour Government would deliver electoral reform, or at least a referendum on it.

Mr. Frank Field: What did you do?

David Howarth: I did not believe her, and given that 13 years later, no referendum has happened, I am inclined to the view that I was right not to do so. I suspect that the reason why the Prime Minister has come round to promoting a referendum again is precisely so that Labour candidates can send out more of the same kind of letters. This time, I suspect I will not be the only one not to believe them.

Mr. Heald: After all these years of going on "Question Time" and other programmes saying that the Liberal Democrats want proportional representation, does it not feel a bit odd to the hon. Gentleman to be arguing for disproportional representation? Why are the Liberal Democrats going to vote for something that Lord Jenkins and so many other commentators have described as unfair and disproportionate?

David Howarth: We will vote for amendment (b) to Government new clause 88 so that the referendum is between first past the post and a proportional system. What will we do if that is defeated? Although the new clause is a very small step in the right direction, there are two truths. First, changing the electoral system is on the political agenda, which is a big and important point for us. Secondly, AV is a preferential system, which we are in favour of. The system we support—STV—is a preferential system, but it just happens to be proportional as well.

Daniel Kawczynski: In my discussions with the Electoral Commission, it has stated that it is possible to argue that we already have so many different types of voting systems that it causes confusion for certain people. In addition, we have not sorted some of the concerns about postal ballots. Is it not better to sort out and rationalise some of those problems before we get on to the subject of voting systems?

David Howarth: No. We should just get on with doing the right thing, which is to move to a fairer electoral system that is proportionate and preferential.

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Mr. Hayes: I hope that the hon. Gentleman will put the answer to my question on the record once again, because he may have made a slip of the tongue, and I want to be fair to him-I am always fair, even to Liberal Democrats. Is he making it clear tonight that the critical thing for Liberal Democrats is that the system is preferential and that he is not so concerned about proportionality? We have heard from the Liberals for years about proportionality, but in the end, when push comes to shove, is proportionality less important to them than a preferential system?

David Howarth: The hon. Gentleman exaggerates the extent to which AV is disproportionate or worse than first past the post-sometimes it is, but not always. As I said a few moments ago, it is very difficult to predict the effects of AV, because first-preference votes will change. For us, it looks like progress, even if it is a small amount of progress, because it is precisely what the hon. Gentleman says: a preferential system. That is a small gain, but one worth having.

Pete Wishart (Perth and North Perthshire) (SNP): I note the hon. Gentleman's pain and his great concerns about voting with the Government for new clause 88. I share that pain-my party will also very reluctantly support the measure. In Scotland the hon. Gentleman's party is also reluctant to support a referendum on Scottish independence, even though that has majority support in Scotland. The proposed referendum on electoral reform has no public support whatever. Why is he against a referendum in Scotland and why will he not allow the Scottish people a choice, yet he is prepared to support a measure that nobody wants and a referendum in which no one has shown any interest in voting?

David Howarth: I fear, Sir Alan, that if I stray into that debate, I will be brought up short very quickly. The holding of a referendum is not in itself a particularly massive gain. I do not remember there being a referendum to bring in first past the post-it is the starting point simply because it is the status quo. There is a bias in favour of it simply because it is there.

I should like to mention one thing about the Prime Minister. I heard what the hon. and learned Member for Beaconsfield said about the Prime Minister's previous views on electoral reform and I agree with the former's position. That is another reason why I suspect the proposal is a manoeuvre. The hon. and learned Gentleman referred to the diaries of Lord Ashdown. I appear in those diaries, especially in volume 2, with a degree of accuracy for which I would not entirely vouch. Nevertheless, it was true at that time that the Prime Minister was seen as a fundamental block to reform. But, as my hon. Friend the Member for Somerton and Frome (Mr. Heath) pointed out in the debate on the money resolution, the question before us is not whether the proposal comes from a cynical or a bad source, it is whether the idea itself is worth supporting.

7.30 pm

It is true, however-I fully concede this-that AV has a large number of disadvantages. It is not very proportionate. It can be less proportionate, but proportionality is, for us, an important measure. It does not seem to be an important measure for the Conservatives when they support first past the post, and I am glad to welcome them to the camp of those who believe that proportionality is an important aspect of fairness in an electoral system.

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It is true that very few seats proportionally would have changed hands under AV at the last election, if we make certain assumptions about whether people would have voted for their first preferences in the same way and what their second preferences would have been. In the end, however, there is one

advantage to AV, which is that it ends tactical voting. The hon. Member for Glasgow, South (Mr. Harris) was of the view that Liberal Democrats are the main beneficiaries of tactical voting-
[Interruption.] The hon. Gentleman says from a sedentary position that AV formalises tactical voting. What it does is end the need for tactical voting because people can vote in their real order of preference and do not have to guess about a situation in which they are voting for their fourth choice in order to keep out their fifth choice. That is an enormous advance for the legitimacy of the electoral system, because people are expressing their real political views in a way that they have not done for many decades.

Mr. Cash: The hon. Gentleman referred to the Paddy Ashdown diaries. To take forward my point about cynicism and tactical voting, would he be interested to know that from C. P. Scott's diaries it is clear that in his discussions with Lloyd George in 1931, the object of the exercise was a deal to create a Lib-Lab pact for two years from 1931?

David Howarth: I can assure the hon. Gentleman that there is no such pact now.

The AV system is not proportionate, it does not allow a choice of candidates between members of the same party, and it still allows safe seats. Those, for us, are major disadvantages. STV, the system that we propose in amendment (b), solves all those problems. STV is simply AV in multi-member constituencies, but it is far more proportionate. The results overall from Northern Ireland, for example, show a very high degree of proportionality, even in seats with four or five members. The Scottish local government version is less proportionate. That is because it uses smaller seats with smaller numbers of members. In practice, across the whole country, if there were constituencies with between one and six members, the result would be a very high degree of proportionality.

What is the advantage of proportionality? That is at the heart of the debate about whether we should move to a proportional system, as opposed to AV, and at the heart of the problem of legitimacy. That is why the Secretary of State was right to mention legitimacy. It is not a peripheral issue. The real problem with our politics is that this place is politically unrepresentative. It is so unlike the politics of the country that people do not recognise it. People here do not think so, but they wouldn't, would they?

The situation is like that before the Reform Act of 1832. The Members in that Parliament thought they were perfectly representative and there was no reason for reform. But we cannot go on with a political system under which unpopular Governments are elected by a little more than a third of those voting and push through policies that two thirds of those voting have just voted against. The Governments of this country-all of them-are unpopular the day they are elected.

Mr. Winnick: The hon. Gentleman referred to the Great Reform Act, when there was great agitation to end the corruption that existed at the time. Although

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there can be endless debates about our system, which he considers to be illegitimate, where is that agitation in the country? I support the amendment proposed by my right hon. Friend the Secretary of State, but to compare the situation around 1830 to bring about change with the current situation is farcical. There is no overwhelming wish for a change among the electorate. They may wish it, but it has not expressed itself in any way, and it is doubtful whether many letters are received by the hon. Gentleman on that matter.

David Howarth: The sentiment is expressed through a disaffection with politics and a hatred of politicians. To see the effects of that, we must go back to what happened after the start of the Iraq

war. Millions marched and then said, "But the politicians paid no attention to us." That is where the danger is for our politics as it is currently set up.

Mr. Jeremy Browne: Is not the crucial change this: that in the 1950s the combined Labour-Conservative vote rose as high as 97 or 98 per cent. of the electorate. In those circumstances, one can see that a system designed for two parties may give an outcome that broadly reflects public opinion. At the last general election, the combined Labour-Conservative vote fell below 70 per cent. for the first time since the second world war. In the European elections last year, admittedly on a different electoral system, the combined Labour-Conservative vote for the first time fell below 50 per cent. In other words, more people did not vote for what used to be called the main parties than did. Under those circumstances, it is becoming increasingly difficult for either Labour or Conservative MPs to make a compelling case for an electoral system that rewards with absolute power parties that can command the support of only about a third of the electorate.

David Howarth: That is a very good point.

Mark Lazarowicz: With respect, it is not a good point at all. The first-past-the-post system was not good at representing the view of the electorate. In 1951 the Labour party received the votes of a higher proportion of the electorate than it ever had, yet we lost the election to the Conservatives. The system was not fair even in those days.

David Howarth: The hon. Gentleman is right. First past the post did not work even in its own terms. The one thing that is said about it is that it allows electorates to throw Governments out. One often hears that argument, but even that is not true. In the last eight elections since October 1974, on six occasions the majority of those voting have voted to kick the Government out, yet found on the day after the election that the same Government were still in office. A proportional system cannot have a worse record than that.

Mr. Alan Reid (Argyll and Bute) (LD): My hon. Friend is right to highlight the fact that the first-past-the-post system does not work even in its own terms. I can give the example of February 1974, when Ted Heath went to the country and said, "Back me or sack me." Under the terms of the first-past-the-post system, more of the electorate voted for him than for any other party, but he still ended up sacked.

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David Howarth: So the argument works the other way round as well.

The Secretary of State made an important and serious point about the function of general elections. It is a point that I should deal with before concluding. He said that in elections for electing an Executive, it was important to have a decisive system, whereas in elections for a more representative body which was not involved in Executive decisions, a less decisive, more proportional system was appropriate. That is the heart of the problem—we cannot carry on with the myth that a general election is about electing a Government from parties competing on the basis of their manifestos and then claiming a mandate to govern. That is fine when the winning party has 45 or 50 per cent. of the vote, but it makes little sense to anyone when the winning party has 35 per cent. of the vote. That is even laying aside the fact—obvious to everyone in politics—that no one outside the political bubble reads manifestos. There is no mandate. The mandate to govern that the current Government claim, on the basis of their majority in this House, is illusory, and the public know that.

Mr. Tom Harris: Why is the current system so much less democratic than a proportional system in which, as soon as the polls close, the parties meet behind closed doors and start trading off the manifesto commitments on which their parties have just won the election?

David Howarth: The hon. Gentleman demonstrates the obvious fault that I mentioned-the parties did not win the support of the public on the basis of their manifestos, because no one reads the manifestos in the first place. It is a myth. What happens in countries with proportional systems is that, yes, the parties get together to try to create a Government with majority support-and that has some chance of having the moral authority to govern. We do not have Governments with that moral authority now.

Mr. Howard: In the light of what the hon. Gentleman says, will he give us an assurance that the Liberal Democrats will not produce a manifesto for the forthcoming general election?

David Howarth: I wish that I could give that assurance. Manifestos are mainly for internal consumption- [*Interruption.*] That is the reality that people do not seem to be willing to accept. Manifestos also lay out for the civil service the likely programme of a party. However, we must get away from these myths if we are to win back the trust of the public.

Dr. Tony Wright (Cannock Chase) (Lab): I am enjoying the hon. Gentleman's remarks, and agreeing with much of what he says, but is not the fundamental point that unless we decide what the electoral system is for-and different societies make it for different things-we will never agree on which form is right? If we want a rough and ready way to find a representative or to see a Government emerge, we will probably think that first past the post or an AV gloss is all right. If we think that its function is to match votes to representatives, we will prefer a proportional approach. Until we decide the fundamental question of what we want our electoral system to do, we will just go on reciting our favourite nostrums.

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David Howarth: That is the central point, and that is why the Secretary of State was right to raise the point about what we are elected to this House to do. I do not think that we are electing an Executive: we are electing a representative legislature. That is a fundamental point that divides people. However, even if we were electing an Executive, first past the post does that very badly in a multi-party system, and results in Governments who are so lacking in legitimacy that we should revise our opinions of first past the post even in that case.

7.45 pm

Daniel Kawczynski: The hon. Gentleman talks passionately about proportional representation, but he knows that we do not have a history of grand coalitions between the two major parties. If we had more proportional representation, the Liberal Democrats, with a relatively small number of votes, would always be in government.

David Howarth: I do not consider more than a fifth of the vote to be a small number of votes. It does not follow that a party in second or third place is automatically in government. The hon. Gentleman says that we do not have a tradition of grand coalitions, but that is because we have first past the post. Under a different system, we would have a grand coalition fairly often, because of the similarity of view on many subjects between the two parties.

Paul Holmes (Chesterfield) (LD): Does my hon. Friend share my view about the parochial nature of much of the debate from the Conservatives and from many Labour Members? They imply that the world would fall in if we had an electoral system in which the votes cast actually resulted in proportional representation. Last year, I talked to Labour MPs from New Zealand, where they have switched from first past the post to STV, and they said that it worked fine. Denmark, Holland, Sweden, Norway and Germany are prosperous societies with successful Governments, and they all use proportional representation. What is the problem?

David Howarth: My hon. Friend is right that the debate here is often extraordinarily parochial. The idea that one can point to individual countries—Italy versus Germany, for example—to prove one way or the other that a system does not work is very simplistic. Looked at more broadly, no obvious objection to a more proportional system can be drawn from international comparisons. However, we need to look at the political situation in this country now, and how changing the electoral system could give our Governments more legitimacy than they have had for many years.

Mr. Wilshire: It is a myth that we do not have grand coalitions in this country. What a first-past-the-post system does is create the coalitions before an election. The Conservative party certainly has two wings, as has the Labour party, and the Liberal Democrats have the Liberals and the Social Democrats. Are not those coalitions?

David Howarth: The hon. Gentleman's argument is more on my side than on his. As we already have coalitions within parties, would it not be better to make that more explicit and have a political system in which the public can see the different political views that are being put into the formation of a Government?

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The amendments that we propose fall into two groups. Some are associated with amendment (a) and have to do with the date of the proposed referendum. The other set of amendments comes under the rubric of amendment (b), which is all about the topic that we have been discussing so far—whether the referendum should be between AV and first past the post or STV and first past the post. Amendment (b) proposes STV instead of AV. It is an argument for an STV referendum that those of us who are prepared to vote for an AV referendum tonight are not entirely enthusiastic about it. Would it not be better to have a referendum between first past the post, which has some enthusiasts here, and a different electoral system, which has many enthusiasts here? A referendum between two competing views that have enthusiasm behind them is likely to have a higher turnout and engage the public more than a referendum in which that is not the case.

The Government have to decide whether they really want to have this referendum or whether this is, as other hon. Members have implied, simply an exercise in gesture politics or even a case of setting up an opportunity to send out target letters. If the Government were really serious about the proposal, they would be setting it up so that an incoming Conservative Government could only reverse the duty to have a referendum by a full Act of Parliament. New clause 88 means that it will be possible for an incoming Government simply to propose the necessary statutory instrument and then defeat it using their majority. At that point, the entire duty to hold a referendum disappears.

By having the date of the referendum way into next year, it is possible to remove the duty to have a referendum by using the Parliament Act, without having a majority in both Houses. The effect of amendment (a) would be to change the date by which there must be a referendum to May next year, so that, because of how the Parliament Act works, inevitably it would be less than 13 months from

the Second Reading of any repeal Bill. A repeal Bill could not, therefore, be forced through using the Parliament Act.

This is a test for the Government. I admit that on amendment (b), on which I would very much like to divide the Committee, there seems to be an obvious political difference about which electoral system to adopt and put into the referendum-AV or STV. There are clear differences of view on that. However, amendment (a) is about a different issue, on which I would also like to divide the Committee, if the opportunity arises. It is about whether the Government really are serious about this or just playing games. I very much hope that they are not playing games and that this is a serious proposal.

Martin Linton: It is a pleasure to follow the hon. Member for Cambridge (David Howarth). I shall be considerably briefer than him, even if it means taking fewer interventions.

I would like to give an unreserved welcome to Government new clause 88. Some months earlier, I tabled new clause 32, with the support of my hon. Friends the Members for West Bromwich, East (Mr. Watson) and for Reading, West (Martin Salter), and 25 other hon. Members, and I think that we are entitled to say that we prompted and prodded the Government to table their new clause 88. That is not to say that the two

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new clauses are identical-ours, I think, is superior in a couple of respects-but if either is passed tonight, we will be content.

New clause 32 calls for a shift to AV. It recognises that that represents only a small change from a system of x-voting to 1-2-3 voting, but I do not underestimate the difficulty of getting even that small change agreed. After all, there has not been a change in the voting system for more than 100 years. Like a tractor stuck in the mud, it requires a huge effort to move it just a few inches, because we have to overcome the forces of inertia, which we have heard plenty of tonight. I therefore thank my right hon. Friend the Secretary of State, the Minister of State, Ministry of Justice, my right hon. Friend the Member for North Swindon (Mr. Wills), and the Prime Minister for tabling the new clause.

I shall address the arguments and comments of the official Opposition. Often when I hear them barracking Labour Members, I know that they do not have any rational arguments. Their motto seems to be, "When in doubt, shout." The hon. Member for Shrewsbury and Atcham (Daniel Kawczynski), who has left his seat, has tabled an amendment entitled, "Simple majority voting". First past the post might sometimes be called the majoritarian system, but it is the system that we are now trying to introduce-the AV system-that is the true majoritarian system, under which the winner must have majority support. What can be wrong with that?

First past the post is like tossing a coin, in that it only really works when there are just two candidates. That is why it usually works for presidential elections in the States, where there are rules that make it very hard to have a third candidate on the ballot paper. Arguably, it worked reasonably well in this country until about 100 years ago, when there were usually two candidates per seat, but the moment there are three candidates, it becomes a lottery. We need only look at a classic example in Northern Ireland that I was discussing with my hon. Friend the Member for Foyle (Mark Durkan). In seats where the Unionists and nationalists are evenly divided, if two Unionists and one nationalist stand, the nationalist is elected, and if two nationalists and one Unionist stand, the Unionist gets in. It is not how people vote, but who stands, that decides the result.

Mr. Cash: Will the hon. Gentleman, who is advancing his case for AV, recall that I made the following point to the Justice Secretary, which he did not seem to understand? Under the AV system, where a majority of 50 per cent. is the criterion for deciding whether a person gets a seat, it does not necessarily follow, as all the constitutional authorities state, that it will translate into an overall majority in the House of Commons. The crucial point about changing the electoral system is that, if the 50 per cent. rule were to apply, it should apply not only to seats, but to Parliament and therefore Government. That at least would make some kind of sense.

Martin Linton: I am enjoying listening to Conservative Members preaching proportionality to the rest of the Committee. As I understand it, they do not believe in proportionality. What the hon. Gentleman says is perfectly true: AV is perfectly fair in constituencies, but does not guarantee that the same will be true across the nation.

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However, it is a more proportional system than first past the post. There have been elections in which it has been less proportional, but all the studies have shown that overall it is more proportional. Most of all, however, proportionality is the wrong yardstick, because AV does not claim to be proportional to people's first preference; it claims to be proportional to people's first, second and other preferences. As an expression of what people want, it is far more accurate than first past the post.

I was talking about the system in Northern Ireland where results depend so much on which candidates stand for election. I do not know whether there is any truth in the apocryphal story of candidates being kneecapped on their way to present their nomination papers, but it makes sense, because of the distortion that first past the post brings to the system. Of course, that happens in Britain too. We have often heard the Conservatives blaming the UK Independence party for splitting their vote, and of course I believe that Labour would have been in power for most of the previous century if it had not been for the Liberals splitting the progressive vote.[Hon. Members: "You split our vote!"] I was expecting that retort.

We can agree, however, that that has created a massive amount of tactical voting in the system—people know that their first choice has no chance, so they vote for their second choice. People are already using their own alternative vote, therefore, only they have to do it by guess work. The Leader of the official Opposition reacted to our proposals with what, to my mind, was sheer bluster. He called AV a crazy and ridiculous system, omitting to mention that it was the system that his party used to elect him, the system that every party uses to elect their leaders, candidates and committees, the system that elected Boris Johnson Mayor of London—with the minor difference that voters had only a first and second choice—and the system used to elect every other mayor. We have never heard any complaints about it before. It is also the system used in Australia and France, although there, of course, they do it over two rounds, and as the newly elected Glasgow MP, my hon. Friend the Member for Glasgow, North-East (Mr. Bain), pointed out, the system is used in precisely this form in Scottish council by-elections.

Mr. Wilshire: The hon. Gentleman mentioned Australia, and I am fairly certain that it was there that somebody managed, under an AV system, to get 6 per cent. of first preference votes and get elected. Is that a system that commends itself to him?

Martin Linton: Of course, that could also be true under first past the post, but with one difference. I can think of a first-past-the-post election, although not in this country, in which somebody was elected with less than 6 per cent. The difference is that, if that freak result happened under the AV system, the result would depend on the second choices given to the other candidates, so somebody would not be elected simply with 6 per cent. of the vote.

Mr. Wilshire: Will the hon. Gentleman give way on that point?

Martin Linton: I must resist that, because I fear that we are going to go down a side issue.

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Mr. Wilshire: I am puzzled by what the hon. Gentleman has said.

Martin Linton: I give way.

Mr. Wilshire: I am most grateful. The hon. Gentleman claimed that under the first-past-the-post system, someone who gets 6 per cent. of the vote can be elected. I am puzzled. Could he explain how, with just 6 per cent. of the vote, under the first-past-the-post system, someone could win?

8 pm

Martin Linton: I am more than happy to explain for the hon. Gentleman's sake. We have never had any MP elected on 6 per cent. in this country, but plenty of Members of the current House of Commons were elected on less than a third of the vote, and one was elected not so long ago on just over a quarter. Why are we frightened of the simple majoritarian principle that MPs should have majority support?

Some of my colleagues in Scotland complain about the systems used in the Scottish Parliament and Scottish council elections, but AV has nothing to do with those systems. AV is not proportional representation; it is just 1-2-3 voting. It keeps the constituency link, it is no more likely to lead to hung Parliaments and it makes it even more difficult for extreme parties to get elected, because they need majority support. AV is also proportional to what voters want, because it looks at their first and second choices, and it does not lead to the danger of having MPs elected with only a third or a quarter of the vote.

I would invite any colleague to find a voter who objects to being given a second choice. On the contrary, the public seem to love it. For instance, "The X Factor" is a long, drawn-out version, over several weeks and several rounds, of a preferential system. Indeed, if "The X Factor" had been run on first past the post, the Jedward twins would have won, because they came top in the first round, albeit admittedly with only 10 per cent. That would have been a travesty—not only a musical travesty, but a democratic travesty, because they got only 10 per cent. of the vote.

The reason we are frightened of a system that gives us simple majoritarian rule is that we are all transfixed by calculations of party advantage. We are not just asking, "Will AV be good for the voter or fairer?"; we are asking, "Will AV help me?" I should point out that there are two very different ways of calculating what would happen under a different voting system. First, there is the static analysis, whereby past elections are rerun, assuming that people would vote the same way, even with a different system of toting up their votes. I am sure that we have all seen those analyses. However, I shall not rehearse them here, because they do not help us at all.

Then there are the dynamic analyses, where we look at what happens under different systems or in different elections in different countries. I have spent a fair amount of time writing about elections—mainly in newspapers, but sometimes in books—and I would caution hon. Members very much against believing the static analysis of what would happen. AV is a different ball game, and how

people would vote would change quite a bit. Candidates with a strong tactical vote could find their first-choice vote unravelling, because there is no point in voting tactically under AV.

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Simply putting someone's results at the last election through an algorithm does not tell us what will happen. What we should look at is the dynamic analysis. Let us look at the elections held under AV-mayoral elections, Australian or French elections, or Scottish council by-elections. In all those elections, it is impossible to see any particular advantage to any party. The only clear advantage is to the voter, who gets a clearer choice. What happens in AV elections is that candidates and parties act in a slightly different way, paying more attention to the other people's second choices, and that is surely no bad thing. Under AV, it is no good being a Marmite candidate-one whom the minority loves, but the majority hates. Candidates need more of a rainbow appeal. Frankly, when we look at the history of British elections over the past 20 years, is that not the lesson that we should learn from our electoral system?

Mr. Hayes: The hon. Gentleman said that the only people who had an advantage under an AV system were the voters. That is not strictly true, is it? The other advantage is felt by very small and often quite extreme political parties, which are peculiarly disadvantaged by the first-past-the-post system. [*Interruption.*] It is true. The first-past-the-post system is not entirely fair to those parties, and that is one of its virtues, not one of its vices.

Martin Linton: If that is a virtue of the first-past-the-post system, it must be an even greater virtue of the alternative vote system, because small, extreme parties would need to have the support of a majority of a constituency-albeit on second or third preferences-which would make it more difficult for them to be elected. However, the result would be closer to what people actually want.

Tom Levitt (High Peak) (Lab): The other people who would benefit from AV are all the Members of this House. Everyone would then be able to say, "I have the conditional or actual support of more than 50 per cent. of my electorate, and that gives me greater authority." In my three elections, that has happened to me only once, and unfortunately only one in three Members can say that it happened to them at the last election.

Martin Linton: Indeed. As they were speaking earlier, I looked up many of the Members taking part in this evening's debate, and I found that, with some notable exceptions, very few of them have more than 50 per cent. However, new clause 88 is important not just because a 2015 election might be fought on AV, but because the 2010 election might be fought at least partly on that issue. I want to be able to tell the voters who support change in the voting system-there are a lot in my constituency, even if there are not many in those of some other Members present-that I will vote for a referendum, and that I will vote for change in that referendum.

Dr. Alan Whitehead (Southampton, Test) (Lab): I have listened to my hon. Friend's analysis of AV carefully. Would he also care to reflect on one of the other advantages of AV, which is that, under such a system, the battle in any election does not necessarily coalesce around 70 or 80 key seats? People's votes count for a lot more, and therefore the contest is much more widespread, particularly under the dynamic analysis that he has presented. That means that a party wanting to put large amounts of money into a small number of seats might

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be disadvantaged. That would be a much fairer result for the British electorate, rather than having

people using large amounts of money to buy the votes of a small number of people in a small number of seats.

Martin Linton: That is true. Although it would not have the same effect as a totally proportional system, AV would push elections in the direction of being more sensitive not just to the core voters of a particular party, but to the electorate in each constituency. That would focus politicians' minds on winning over the second preferences from other parties. That is a good discipline, and one that, at this moment in Parliament's history, would not go amiss.

I want AV to be an issue at the next election, so that I can make it clear to people in my constituency who want change that I will support it, and so that the referendum will happen. That will expose the shallowness of the Conservative commitment to change. There is little in this country in such obvious need of change as the voting system, and if the Conservatives oppose change, they will lose any credibility as a party of change. What is wrong with giving voters a choice in a referendum? What is wrong with expecting MPs to be backed by a majority of their voters? What is wrong with allowing voters to express a second preference? What is wrong with putting a bit more choice in the hands of the voter? The Opposition do not have any answers to any of those questions.

What we are debating is a small step, but frankly we owe it to the voters. Whether we are personally involved in the expenses scandal or not, this Parliament has shaken the voters' faith in us. We have been shown up to be acting in our own interests, rather than in the interests of our constituents. Here is a classic case where we can improve the voting system—from the voters' point of view, not from ours. That is the very least that we can do to help to restore the voters' trust in the democratic system.

Sir Patrick Cormack: I will not attempt to follow the hon. Member for Battersea (Martin Linton) in detail. I want to make a brief speech, because I know that many colleagues wish to take part in the debate.

I want to make just a few points. First, I regret the fact that time is being spent on this proposal, because there is absolutely no chance of its reaching the statute book. We all know that, and that includes the Government. We are wasting parliamentary time, as this Parliament ebbs out to a rather inglorious close. Those who would like us to be properly debating the subject of this afternoon's statement—after-hours doctors services—or the issue of higher education cuts will see this as yet another example of parliamentary navel gazing. There is no public demand for this change. We are debating it for one reason only. That is that the Prime Minister feels that there is likely to be a hung Parliament—I am not saying that I agree with him—and he is offering an olive branch to another party, which he thinks might help to sustain him in office. It is cynical and as simple as that.

I shall not be contesting the next general election. I shall miss this place greatly. I have always had the great advantage of being returned with over 50 per cent. of the vote, and I believe that those of us who have always

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been in that position have a case to answer. However, the answer is most certainly not AV. If I go to vote—I dare say that this applies to most people in the Chamber tonight—I do not wish to vote for a second preference candidate. I know whom I want to vote for, and if that person and that party were eliminated, I should want time to reflect.

That is why the only other system that I would contemplate—although I am very happy with the status quo—is the one that was advanced in a brief but telling speech by the right hon. Member for

Birkenhead (Mr. Field). The two-round election is a simple system, and it has a degree of fairness about it. If a Conservative voter went to the polls and found that the Conservative candidate was not in the first two, there would be time for that voter to reflect on the track record of those who remained, on their affinity with the local community, and on their views on issues that were perhaps not political but moral in nature. The voter could weigh up all those factors and cast their vote accordingly for one of the two candidates and, at the end of the day, one candidate would emerge with over 50 per cent. of the vote. I know that, under that system, there can very occasionally be a tie, but the right hon. Gentleman looks after that eventuality in his amendment.

Chris Huhne: I fail to see the advantage of the system that the hon. Gentleman and the right hon. Member for Birkenhead (Mr. Field) are proposing, compared with the alternative vote. After all, under the alternative vote system, all the factors that the hon. Gentleman has just described are available to the voter in the run-up to an election. He was telling us earlier how important it is to save public money, yet he now seems to be suggesting doubling the cost of general elections by having two rounds.

Sir Patrick Cormack: I was very careful to say that I preferred the status quo, but if there were to be a change, this is the one system that would commend itself to many people. I have said this over many years in the House, in articles and elsewhere, so there is no question of my changing my mind.

My greatest objection to the AV system is that the voter has to state preferences when they really want to vote for a particular individual and, often, a particular party. They do not want to be asked for a second preference after they have cast their vote. I also find compelling the argument that there is a real danger of giving disproportionate power and influence to those who vote for fringe candidates. In his intervention, my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes) was either too sensitive or, unkind people might say, too mealy-mouthed to mention the British National party, but AV has the potential to give influence to those who vote for zany parties, for silly minority parties and for downright evil minority parties. That is something that we have to take into account.

Mr. Roger Godsiff (Birmingham, Sparkbrook and Small Heath) (Lab): Will the hon. Gentleman give way?

Sir Patrick Cormack: I will, but I am anxious that everyone should get in, and I am conscious of the time.

Mr. Godsiff: The hon. Gentleman said that the AV system forced people to cast their votes in order of preference. With great respect, that is not true. Under

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AV, a voter may cast a single vote for one candidate. Their vote would not be invalid if they did not mark the rest of their ballot paper with second, third, fourth or fifth preferences.

8.15 pm

Sir Patrick Cormack: I concede that point. One does not have to express further preferences.

My other point is still valid, however. The Government have introduced this measure for rather shabby reasons, which were brilliantly exposed by my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve) in his very entertaining opening speech. I do not believe that the hearts of the Lord High Chancellor and the Minister of State, Ministry of Justice, the right hon. Member

for North Swindon (Mr. Wills)-an effective and agreeable Minister who, sadly, is not standing again-are in this. They are going through the motions because they feel obliged to do so. They are doing this with a reasonable degree of compliance because they know that, at the end of the day, these measures are not going to become law. The timetable makes that impossible. We were originally going to have four days in which to discuss the Bill; we are now on the sixth, and there will be at least one more. Then, it will have to go to another place, and because certain parts of the Bill have not been debated at all in this place, there will be a need for further thorough scrutiny and debate.

This is therefore a cynical exercise, which is taking Parliament's eye off the ball on which it should be focused-namely, the great national and international affairs of the day. As I said when we debated the money resolution earlier, this is another example of the Government treating this place with contempt and pretending to be the servant of democracy. They are not. There is no perfect system, but the one that we have at the moment is infinitely better than the one that is being proposed. The only other system worthy of consideration is the one that is the subject of the amendment tabled by the right hon. Member for Birkenhead.

Mr. Godsiff: Although this is hardly the dominant issue on the doorstep or in the pubs and clubs, I welcome the Government's commitment to holding a referendum on the alternative vote system. I have no problem with the concept of referendums. We had one on EU membership in the 1970s, one in Scotland on the setting up of the Scottish Parliament, and one in Wales on the setting up of the Welsh Assembly. We should also have had one on the Lisbon treaty, and I voted for such a referendum in the House, unlike my friends on the Liberal Benches who were split three ways: some were for, some were against, and some did not know.

I am not in favour of the concept of proportional representation, because it results in minority parties being able to determine who will govern, and extracting their price accordingly. We have only to look at the most purist example of PR-the Israeli Parliament-to see the consequences of purist PR. I have always supported the alternative vote system because it is not PR but an improved version of the first-past-the-post system. I am somewhat surprised that those who argue strongly for the first-past-the-post system-of which I am also a supporter-cannot see that AV represents an improvement on it while retaining the constituency link.

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The essence of the alternative vote system is that the winning candidate has to get 50 per cent. plus one vote. As a number of Members have said, what can be wrong with that, when only a third of right hon. and hon. Members were elected by more than 50 per cent. of the electors in their constituencies? It also means that electors who support minority parties, particularly in so-called safe seats, can exercise their choice without feeling that their votes are wasted. As I said to my good friend, the hon. Member for South Staffordshire (Sir Patrick Cormack), it allows them to have a second, third or fourth choice-depending on how many candidates there are on the ballot paper. What it does not do is force people to vote more than once. If people wish to cast only one vote for one candidate, they can do so and their vote is not invalidated. If they choose to vote for a minority candidate-as some would say, to vote with their hearts first of all-they will also have a second choice to vote with their heads afterwards.

Mr. Hayes: I am glad that the hon. Gentleman has acknowledged that point, which was rejected in my earlier intervention. He is right that black-hearted supporters of small parties would have at least

greater influence, if not greater power. Surely, he would recognise that that is a bad thing, not a good thing, for our democracy.

Mr. Godsiff: Somebody once said that democracy is a very bad form of government, but all the others are so much worse. Democracy means that the elector has the right to choose whatever candidate they want to vote for. The party they vote for is their choice. In a democratic society, unless a party is not proscribed from standing, candidates belonging to that party are entitled to have their names on the ballot paper so that people can vote for them. That is called democracy.

Pete Wishart: Will the hon. Gentleman concede that AV actually works against smaller parties? It is almost impossible for a UKIP or, say, a Green candidate to secure 50 per cent. of the vote in an individual constituency, but they might just sneak in with 27 or 28 per cent. in a normal first-past-the-post election. AV is not going to help smaller parties to get parliamentary representation in any way.

Mr. Godsiff: I did not suggest that it did. I was arguing for the virtues of an alternative vote system as an improved version of first-past-the-post. My good friend is arguing for a totally different system, which he is perfectly entitled to do, that he feels is more favourable to smaller parties. I understand his argument, but I am arguing for the alternative vote system because I believe it embodies the best aspects of first past the post, but also builds on and improves it. That is why I intend to support what I believe will be a sensible change.

Let me start to conclude by responding to some of the comments made about the Jenkins report. It has been said tonight in rather reverential terms, as though the departed Lord Jenkins was a totally unbiased and disinterested individual with no vested interests whatever in the single transferable vote top-up system that he proposed. It needs to be put on the record that Lord Jenkins was an outstanding and distinguished parliamentarian: he was Home Secretary and Chancellor of the Exchequer in the 1960s Labour Government; he was Home Secretary in the 1974 Labour Government; he was the Labour

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nominee for President of the European Union; and he was a founder member of the Social Democratic party, which was set up, in his own words, to "break the mould" of politics and destroy the Labour party. He was elected to this place as an SDP Member; he then became a distinguished member of the Liberal-SDP pact.

Mark Lazarowicz: Before my hon. Friend goes too far in suggesting that the Jenkins commission was a personal exercise by Lord Jenkins who put forward nothing but his own interest, I am sure that he would accept that it was a commission of all parties, including Baroness Gould, who was a Labour party organiser herself. I do not think that one should suggest that this was a Jenkins-only commission; it was a broad-based commission receiving broad support, as reflected in the submissions made to it.

Mr. Godsiff: I hear what my hon. Friend says, but the fact of the matter is that this is always cited as "the Jenkins report" and Lord Jenkins was the father of it as chairman of the commission. It is therefore right to point out, as I had started to do, that although he was a great and distinguished parliamentarian, he was hardly disinterested in the system that was proposed.

As many other Members have said, there is no perfect electoral system: all have their flaws; all have their benefits. I really believe, however, that the first-past-the-post system, as improved by AV, is a good system. It is one that the Australians use and it has served that country well. It has reflected the majority viewpoint of the Australian electorate ever since it was introduced. I very much

welcome the Government's proposal this evening, which will at least allow the people of this country to pass judgment on whether they think it is a good or a bad thing.

Mr. Howard: Last week, Lord Turnbull, who knows the Prime Minister particularly well, having served as his permanent secretary at the Treasury for four years, delivered his verdict on the Personal Care at Home Bill. He said in the other place that it was

"a classic Gordon Brown dividing line. It is not drawn on merits but has been chosen to set a trap for the Opposition".-[*Official Report, House of Lords*, 1 February 2010; Vol. 717, c. 67.]

That was a devastating indictment of the Prime Minister from a former Cabinet Secretary who did not choose those words lightly. Exactly the same verdict applies to the measure before us this evening.

At Prime Minister's questions last week, my right hon. Friend the Leader of the Opposition brilliantly exposed the cynicism of the Prime Minister's deathbed conversion to electoral reform. According to the previous Prime Minister, whenever a previous attempt was made when he was in office to reach agreement with the Liberal Democrats in order to introduce electoral reform, the present Prime Minister was what Mr. Blair described as the "primary block".

Later last week, the Prime Minister told the Liaison Committee that it was not possible to introduce reform in 1998 because there was no consensus, but the reason why there was no consensus at that time was that the Prime Minister himself blocked it. No one should be under any misapprehension about the Prime Minister's motives in bringing forward this measure today. As

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Lord Turnbull said, it has nothing to do with the "merits" of the case as its only purpose is to "set a trap" for the Opposition.

Let me turn to the merits. When it comes to electoral systems, a clear choice is available. On the one hand, we can choose a system that conforms to some abstract notion of "fairness"-a concept that should perhaps be placed in inverted commas in this context, because of its many disadvantages. On the other hand, we can choose a system that is likely to deliver effective government provided by a single majority party. We cannot have both and we cannot have perfection.

It is possible to have a system that is perfectly proportional-a system that gives parties a proportion of seats in Parliament that corresponds exactly to the proportion of votes that they obtained at the preceding election. Thirty per cent. of the votes will give a party 30 per cent. of the seats; 5 per cent. of the votes will give it 5 per cent. of the seats, and so on. That is the system that is closest to the abstract notion of fairness that I described earlier, and it is the system that corresponds most closely to the needs of proportionality, which the hon. Member for Cambridge (David Howarth) has said is at the heart of the debate.

Here are some of the disadvantages of that system. First, it is completely inconsistent with any kind of constituency link-it is impossible to combine a constituency link with perfect proportional representation. Secondly, every Member elected under such a system must be elected on the basis of a party nomination, so the influence of the party at the expense of the individual Member of Parliament is immeasurably increased. That is not a consequence that would necessarily gain unanimous or even majority support in the House of Commons or beyond.

Thirdly, when such a system is in force, it tends to give wholly disproportionate influence to small, often extremist parties. As the hon. Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) has pointed out, the state of Israel has exactly that system. Its Government, throughout their existence, have been bedevilled by the influence of small and extremist parties, and I do not think it an example that we should follow.

Chris Huhne *rose-*

David Howarth *rose-*

Mr. Howard: I will give way. The hon. Gentlemen had better decide between them who should go first.

David Howarth: I will go first.

The right hon. and learned Gentleman has said that it is difficult, or even impossible, for independent Members to be elected under proportional systems. That is entirely untrue of the single transferable vote. The Irish experience has been that it is quite straightforward for independent Members to be elected, even independent Members who have rebelled against their parties.

8.30 pm

Mr. Howard: The single transferable vote is not perfectly proportional. I am talking about a system which exists in other countries, and which represents exactly the concept of fairness and proportionality on which the Liberal Democrats place so much emphasis. I shall say more about that shortly.

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The fourth disadvantage of such a system is that the formation of a Government under it is almost always a protracted process involving backroom deals behind closed doors. During those negotiations, manifesto promises made by parties are jettisoned—as we have just heard, the Liberal Democrats do not think that that matters at all—so that it becomes extremely difficult, if not impossible, to identify anything resembling a covenant between the voters and the Government whom they elect.

Mark Lazarowicz: The right hon. and learned Gentleman has ably described the disadvantages of a pure proportional representation system. Does he accept that no Member today has suggested such a pure PR system? May I also point out that the PR system in Germany has given that country very stable government for some 50 years?

Mr. Howard: I accept that no one is, for the moment, proposing a system of that kind, but that is the only system that provides perfect fairness and perfect proportionality. It must be recognised that those who do not want a system with those disadvantages cannot have a perfectly proportional system. It is not possible to have a system that complies with the abstract notion of fairness, of which we hear so much from the Liberal Democrats and which is so beloved by advocates of electoral reform.

Mr. Gummer: I hope that my right hon. and learned Friend will not avoid answering the question posed by the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) about the system in

Germany. Because of that system, the smallest party achieving sufficient numbers has had the Foreign Secretary for most of the period since the war, and the Free Democrats are always over-represented.

Mr. Howard: My right hon. Friend is, of course, absolutely right.

Sammy Wilson (East Antrim) (DUP): The right hon. and learned Gentleman has rightly pointed out that all the arguments in favour of AV, or moving from AV to proportional representation, are about fairness. However, we in Northern Ireland know that when such a system is used not only for electing people but subsequently for forming a Government, we are left with a Government who are divided and indecisive. Rather than enhancing the standing of the legislature in the eyes of the people, that indecision reduces their confidence in the system. That is the fundamental weakness of what is being proposed here tonight.

Mr. Howard: In fact, the hon. Gentleman exemplifies the unpredictability of the system that is being proposed here tonight.

The principal alternative to proportional representation is, of course, first past the post, whose great merit is that, much more often than not, it delivers a Parliament in which one party has an overall majority. That creates at least the possibility—although not the certainty, as we have seen in the past 13 years—of firm and effective government. It preserves the constituency link; it gives Members of Parliament an individual mandate; the formation of a Government normally takes place immediately after the election; and it makes it more difficult for extremist parties to gain power. Now, it

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does not, of course, comply with the abstract notion of fairness that I have previously described. Indeed, it can be very unfair. At the last general election, for example, although the Conservative party obtained more votes than Labour in England, we got 92 fewer seats in England. That extreme unfairness would be remedied to some extent by the proposals in new clause 99, which I welcome, but those proposals would not extinguish that unfairness completely. I believe, however, that that is the price that has to be paid in order to obtain the advantages of first past the post.

The Government's proposal seeks to find a compromise between these two models and, like most such proposals, it falls between two stools. It delivers neither fairness nor the advantages of first past the post. It gives wholly disproportionate power and influence to those whose first preference is for the least popular and least representative option before them. I do not believe that we should introduce a system that gives disproportionate influence and power to people who have those views. They are perfectly entitled to have those views, and they are perfectly entitled to vote for parties that represent those views, but I do not see any reason why we should give them disproportionate influence and power by giving them the opportunity to vote again and again and to have, perhaps, the decisive influence in the decision as to which candidate should represent their constituency. The Government option gives us the worst of all worlds, therefore.

Mr. Wills: I am sure that the right hon. and learned Gentleman is aware that this system is used in London, although with slight variation, but does he accept that the nightmare he is conjuring up did not take place in London?

Mr. Howard: No, it did not, and it will not happen every time; of course, there will be many occasions when AV will not actually produce that dangerous outcome, but the potential of its being produced is inherent in the system, and it is maximised in an election of Members of Parliament and a potential Government.

Under the system the Government propose, instead of coming to this place as the first choice of their constituents, Members of Parliament would be sent here as their second, or even third, choice. It is a recipe for a second or third-best Parliament, and a second or third-best Government. That is the last thing our country needs, faced, as we are, with our greatest challenge for a generation or more. For those reasons, I hope this misguided, misconceived and mistimed proposal is decisively rejected by the Committee this evening.

Mark Lazarowicz: My starting point for this discussion is as somebody who has supported proportional representation for more than 20 years. I support it simply because it is a fairer, more democratic system. It is neither fair nor democratic for us to have a system under which a party with a relatively small minority of votes can be rewarded with a clear majority of seats. That is unfair for both the parties involved and the electorate, whose wishes are therefore not accurately reflected in the make-up of Parliament. No system is perfect or perfectly fair, but I have long believed that we should move to a fairer and more democratic system. That is what we should be seeking to do.

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The alternative vote system is not a proportional system, of course, but although it can in some circumstances distort results more than a first-past-the-post system, it also has some advantages. As my hon. Friend the Member for Battersea (Martin Linton) has pointed out, under it every MP could say that they had the positive support of half the electorate in their constituency, which most MPs cannot say at present. Also, although it is not a proportional system, when electoral support is evenly balanced between parties, the AV system is likely to stop one party having an overall majority when the votes do not justify that. I accept that when one party is particularly popular or unpopular, it can exaggerate the effect, but overall I would argue that the alternative vote system is more likely to lead to a result that reflects voters' wishes. That is certainly the case when the parties are more evenly balanced. It also has the advantage of keeping the constituency link, which I think is important, and, as has been said, it takes away the need for people to vote tactically. They can vote as they want to in a particular constituency for a particular election.

As I have said, the alternative vote system is not a proportional system. That is why I support some form of additional member system, such as those used in Germany, Scotland and Wales and that recommended in the Jenkins commission's report. That is why I tabled an amendment in those terms that, unfortunately, will not be voted on tonight.

As some form of additional member system is not on the agenda tonight, I am happy to support the Government's proposal for a referendum on the alternative vote system. As it is moved prior to the election, it might become law by the end of this Parliament. There is an assumption that it will not become law, but it will not become law only if there is obstruction to the proposal by the other place, if it passes through this House. I hope that all parties will see the benefit, if this House so decides, of supporting the opportunity of giving voters a choice in a referendum.

Dr. William McCrea (South Antrim) (DUP): Will the hon. Gentleman tell the House where the demand for this electoral change is coming from? Why are we dealing with it at a time when the life of this Parliament is running out? Why is it urgent now?

Mark Lazarowicz: A referendum would of course take place at some stage before 2011. My position is clear-I support a move to a fair electoral system. I would have liked it to have been proposed earlier, but better late than never. I certainly would like to see it go forward at this stage.

Mr. Mark Harper (Forest of Dean) (Con): I am finding intellectual inconsistency in what the hon. Gentleman is proposing. From his point of view, I can see the merit, as shown by his amendment, in moving from AV to a top-up system, but given that we will not be voting on that and that he has said that he will support the Government, it seems to me that the alternative vote does not fulfil any of the requirements that he has just set out about being more proportional or being fairer. I am at a loss to understand why he will still support it.

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Mark Lazarowicz: I sought to express—perhaps not clearly enough for the hon. Gentleman—that I think that the proposal has some advantages. I also believe that overall it would be more likely to lead to a fairer result. It means, as I have said, that MPs would have a stronger mandate in their constituencies, which is important. I also support a move towards an AV system, because, bluntly, I feel that if we move towards that system, we will in due course move further. I think that we will move to an AV-plus system once we have opened the door and had the debate. I believe that we will move in due course to a more genuinely proportional system, which I would welcome and would like to see introduced.

Of course, another amendment will be voted on, which is that proposed by the Liberal Democrats. It would introduce a single transferable vote system. That is a position that has some attractions for those who want to move towards a proportional system, if AV-plus is not on the agenda. However, my experience of the way in which STV has worked in local government in Scotland leads me to believe that it would have many drawbacks as a system, if it were to apply here in the UK. It does not lead to the rather idyllic picture that we have of voters choosing between the candidates of different parties—voting in a primary, as it were.

The Scottish situation shows us that in most cases in local government, one of two things has happened. First, when one party is able to get more than two members elected under the STV system in a local government ward, the strongest argument in a candidate's favour is not how they behave as a member but whether they are called Anderson or Young. In 90 per cent. of the cases in which two members were put up by the same party but only one was elected, it was the one whose name began with the letter that came earlier in the alphabet who was elected rather than the one whose name came lower down the alphabet.

Mr. David Heath (Somerton and Frome) (LD): Does the hon. Gentleman accept that that also happens in multi-member first-past-the-post council elections? I have seen it happen many times that someone whose name is earlier in the alphabet gets elected, while their colleague further down the list does not.

Mark Lazarowicz: Indeed, but the effects would be much smaller in a first-past-the-post, or first two-past-the-post, system than in an STV system, as I think the hon. Gentleman would accept if he examined the way in which that system works.

Another situation applies in Scotland that is relevant with a three-party system, which we have in most parts of the country, and with a four, five or even six-party system, which we have in some places. Instead of putting forward two candidates to give voters a choice, political parties put forward only one because they know that they will get only one in, and they do not want to risk neither candidate getting in because of some accident in the voting system. As a result, most members' seats are safer under the STV system than under the previous system. Let me give an example. My local government ward in Edinburgh has four councillors—in order of votes, a Labour

member, a Scottish National party member, a Liberal Democrat and a Green. If either the Conservatives or Labour were doing particularly well, they might displace the Green and get the last seat, but

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three out of those four seats will almost certainly be held by Labour, the SNP and the Liberal Democrats for ever, because whatever those members do, they will not lose their seats as long as they keep with their party.

The argument about the STV and giving voters a choice between candidates in the same party might well apply when there are large numbers of candidates for particular seats, or where there are not two, three, four or five-party systems, but I urge the Liberal Democrats and any Labour Members who support the STV system to look at how it works in Scotland. They will find that it does not bring the democratic advantages that they think it does. For that reason, I will not support the proposal for an STV system today. I hope that the proposal for AV goes forward today and that that will be a move towards a fairer and genuinely democratic system—a true system of proportional representation for election to this House.

8.45 pm

Pete Wishart: I rise not just to support this modest measure, but to mock and disparage it. Of all the electoral reforms that this Government could have brought forward, these are about as modest and timorous as any Government could propose. Let me be clear: as we have heard in many fine contributions to the debate tonight, the proposals would do nothing to improve proportionality and would not bring us any closer to delivering or securing fairer votes. As I said in my intervention on the hon. Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff), who is no longer present, the proposals would instead act against smaller parties. There is very little chance of smaller parties such as the Greens or the UK Independence party securing anything like 50 per cent. of the vote, so an AV system would not be in their interests, but they might sneak into a constituency at the next general election with 25 or 26 per cent. of the vote in a first-past-the-post system. There is no way that they will get more than 50 per cent. of the vote, so AV will in no way practically assist smaller parties.

However, we will support the measure, even though it is one of the most modest and timorous electoral reforms that the Government could have proposed, because it will give individual electors in our constituencies greater choice. It will empower them that little bit more and will allow them to make positive choices about how they vote, and we will support them in all of that. We will also support the measure because it gives the—perhaps misguided—impression that this is one of the first steps along a road of greater electoral reform. I note that some Labour Back Benchers—not many have contributed to the debate, although many have commented in the press—have said that they believe this change to be a start on the slippery slope to full PR and constitutional reform. It is worth supporting solely on that basis.

As a number of Members—most notably the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz)—have said, we in Scotland have got used to electoral reform. We have had full electoral reform: we have the additional Member system for the Scottish Parliament and an STV system in local authority elections. Both of those systems deliver fair votes and are totally proportionate. As the hon. and learned Member for Beaconsfield (Mr. Grieve) said, a lot of guff has been spoken here tonight about Scotland. There have been no complaints about our system of PR in elections to

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the Scottish Parliament, except perhaps from Labour Back Benchers from Scotland who lament the fact that they are losing their presence—their vast, incredible Labour majorities on a minority of the

vote. It is they who lament the fact that proportional representation has come to Scotland, and they continue to deride and decry our system of proportional representation in the Scottish Parliament.

The hon. Member for Edinburgh, North and Leith was obviously right to mention some of the shortcomings and shortfalls of STV in local authority elections, but he would have to concede that local councils in Scotland now reflect how votes are cast. People from Edinburgh to Shetland see local authorities that represent how they have voted. That is a vast improvement in the town halls, which were dominated by Labour members who won an absolute minority of the votes.

Daniel Kawczynski: The hon. Gentleman speaks in favour of proportional representation, so does that mean that he was happy for the Scottish minority Government's budget to be held up by just two Green MSPs?

Pete Wishart: With all due respect to the hon. Gentleman, it was not held up by just two Green MSPs. It was held up by the Labour party, the Liberal party and two Green MSPs.

One of the benefits of the proportional representation system in the Scottish Parliament is that it has given the Conservative party influence in Scotland. It has been able to say-consistently and probably with some justification-that it can influence some of the Scottish Government's actions and decisions. That is how minority government works. It is a good and positive thing. It should be embraced. All the claims about majoritarianism and the need for absolute majorities in Parliament ignore the positive influence that smaller parties can secure, which can be a good thing. The argument is always about how we must have overwhelming majorities in this House, yet that is what we have had for 13 years and what has been the result? Has the legislation that the Government have produced taken us forward? I would argue for a coalition Government or a minority Government any day, if that were able to deliver real results.

It is an outrage that the first-past-the-post system in Scotland means that Labour can secure almost 70 per cent. of Scottish MPs on something like 40 per cent. of the vote. The alternative vote system will not do anything to address that electoral abuse, or to make it possible to have real contests in individual constituencies.

I am interested in the whole concept of referendums, because we have been trying to have a constitutional referendum in Scotland for the past two years. We have wanted the Scottish people to have a choice about their future, but we have been told that that was not possible or desirable. It was claimed that giving the Scottish people a choice about the nation's future would cause the sky to fall in and lead to Scotland's instant demise.

The Labour, Liberal and Conservative parties have all resisted the option of allowing Scotland a constitutional choice about its future. The most fundamental reason given-and it has come from every Labour Member, from the Prime Minister down- is that we cannot have a constitutional referendum because of the recession and the economic downturn.

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However, all that is put aside when it comes to the modest constitutional referendum being proposed tonight. It is not even an issue, or anything to be concerned about: we can go ahead and have the referendum. I am sure that, when they watch this debate, the Scottish people will be able to see through what is going on. They will see that the Labour party is happy to have a constitutional

referendum on a proposal that is no more than a modest, timorous little piece of constitutional tinkering, but that it is not prepared to give them a real choice about the future.

I was out canvassing in Perth, like most hon. Members-although by that I do not mean that others have been canvassing there, at least I hope that they have not. I do not think that one person came up to me and said, "The big thing that I am interested in, Mr. Wishart, is more choice in my constituency. I am really fascinated by what the Prime Minister had to say about the alternative vote system." Nothing like that happened, but what people do still ask is, "When are we getting a referendum in Scotland? When are we getting our choice?"

It may be true that not everyone wants Scottish independence, but up to 60 per cent. of the Scottish people want to have their say in the future of Scotland and how our nation should go forward. Why is it all right, therefore, to have a constitutional referendum on this modest proposal but yet deny the Scottish people the real choice about their futures?

We will support this modest proposal tonight, for the reasons that I have set out. We will not play the same game as Labour and say that we will get in the way of the referendum. I believe that it is right for Governments to allow people to have a choice on these issues. I respect the Government's decision to put the referendum to the UK people, but I just wish that the Labour, Liberal and Conservative parties would allow the Scottish people to have the same choice about their future on a much more important question. This is all about trusting the people. I am prepared to trust the people with the Government's proposed referendum on AV. Why do the Government not trust the Scottish people with the constitutional future of the nation of Scotland? One rule applies in this situation; it should apply across the board.

Mark Durkan: Several hon. Members have spoken about fairness and proportionality, and on that basis I support the Liberal Democrat amendments. People have referred to the Irish example, and I am very familiar with the electoral system in the Irish Republic and the similar-although until recently not exactly the same-version of the single transferable vote system that we have in Northern Ireland. The Irish people mandated that system for us when they voted for the Good Friday agreement, which promised that the Northern Ireland Assembly would be elected on the basis of STV for the very good reason that people wanted it to be fair, inclusive and proportionate. So, I have strong sympathies with the Liberal Democrat case.

When it comes to council by-elections in Northern Ireland, Dail by-elections in the south and the election of the Irish President, STV morphs into and, in effect, runs as an alternative vote system. It stands out as a very good thing when it comes to electing a key figurehead,

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such as a national President, because people want the person who embodies and is meant to epitomise the values and spirit of their country to have the clear endorsement of at least a majority of its citizens. The alternative vote system, as a result of STV, has those benefits, but I am realistic enough to know that the real issue tonight will not be about the single transferable vote and first past the post.

In many ways the real issue is not even about an outright choice between the alternative vote and first past the post; it is about whether, in principle, there should be a referendum that at least puts the choice before the public. Parliament has been embarrassed not just by the facts of the expenses scandal, but by the ridiculous fact that none of us has been able to explain or excuse outright, first, how information was suppressed for so long, then, how things were handled and mismanaged and, even now, the confusion about what reforms there will or will not be. Parliament voted for an Independent Parliamentary Standards Authority and received the Kelly report, but now there is

confusion about which measure stands, which will be revised and which will not. So, at a time when we as a Parliament are open to ridicule, it is the height of arrogance for us to decide that the public should never have the right to say, "There might be a better way of electing people to Parliament so that MPs might have a bit more credibility after all this."

The hon. Member for Cannock Chase (Dr. Wright) said that we have to decide what Parliament is for-why we elect MPs. It is not just for us to decide why people elect Parliaments, however; the public can decide. If the public are given a referendum on such an issue, they will have a say on the quality of the mandate that they want their MP to have. The public will have a right to say whether they are able to trust themselves to express an honest first preference and considered second and third preferences, or whether, for their own ideological reasons, they just want to plump for one candidate.

We should give the public the choice to have that choice, rather than say that they cannot cope with it. Some Members cannot cope with choice because they cannot cope with filling in forms and justifying things, but that does not mean that the public cannot cope with clear and honest choice. So long as we have the first-past-the-post system, electors will be locked into situations in which they have to calculate possible tactical votes while being browbeaten by all sorts of propaganda about who is the only person capable of defeating another party. People are often misled: they do not cast their honest preference and support parties with particular policies; they surrender their vote on the purely negative ground of trying to prevent somebody else from being elected.

Rather than putting things in the hands of those who come up with the best propaganda and the most misleading graphics on electoral trends, surely it is much better to put things in the hands of honest voters-not the dishonest spin merchants working on behalf of political parties. We should make sure that the election of an MP is not decided by the people who control all the party lists and manage things. We should make sure that the overall election outcome is not decided by the parties' targeting of swing voters in the battleground constituencies, who become the only people to determine elections.

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9 pm

I have heard a lot from Conservatives about how under the alternative vote system everybody's vote is not the same and how it means that those voting for small parties end up having a bigger say than those who vote for big ones, but that is not true, because everybody's vote counts equally in the end. The people supporting a system with unequal voting are those who defend first past the post, under which the election will be decided by a very small fraction of targeted swing voters spread throughout the UK in marginal constituencies. Let us be honest about some of the arguments being made.

I have a particular reason for wanting to move to a more proportional system; if the only one effectively on offer is the alternative vote, I shall vote for that this evening. My reason is to do with the experience in Northern Ireland. Whenever we negotiated the Good Friday agreement, one of the things that some of us did, late in the negotiations-particularly when the then Prime Minister Tony Blair was present-was to argue that we also needed a different electoral system for the Northern Ireland seats at Westminster.

We argued that on the grounds that, if we were to make the power-sharing Assembly work and to make inclusion work, and if we were to create a new political ethic, we would not have very much success if every time a Westminster election came along we were convulsed back to sectarian impulses-having to vote orange and green. The thinking would be, "Which Green candidate is most likely to beat the Orange one?", or, "Which Orange candidate is most likely to keep out the Green one?"

In Northern Ireland, we still find ourselves constantly drawn and sucked back to those sectarian, tribal instincts. Some of us are committed to trying to allow politics to move on and to bringing about the emancipation of a new political ethic in Northern Ireland; it will be bad for that project if we stay stuck with first past the post, which keeps us trapped in sterile arguments.

In the 2001 Westminster election, Sinn Féin ran an essentially geo-sectarian campaign of "greening the west". Some of us made the honest choice not to go into sectarian electoral pacts; we believed that the parties should stand on their own distinct principles and we were fighting our cause. My party suffered as a result of that principle, because the instinct was, "We have Unionist MPs in a number of constituencies in the west of Northern Ireland who represent only a minority of the electorate." That fact was deeply resented and led to people saying to us, "If you're not going to stand out of the way, sorry but we are going to bypass you and vote for Sinn Féin so that we can take the seats." That has not particularly helped the political atmosphere in Northern Ireland; it does not give voters a full and honest choice.

Now, the Conservative party says that it will come into Northern Ireland so that everyone, regardless of background, can vote for secular politics and for parties of national government. Of course, the Conservatives start off with a kind of "new force" axis with the Ulster Unionist party and then they seem to dabble in discussions about a more pan-Unionist pact that might be offered. The party is trapped in that situation, despite what might be its honest good motives; I do not know about those, but I am not here to cast doubt on them. The Conservative party finds itself dragged into that precisely because of the first-past-the-post system. If the party is

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honest and serious about coming into Northern Ireland and making a new, honest offer of its manifesto, the only way in which it will credibly do that is if it supports a change in the first-past-the-post system.

Sammy Wilson: The hon. Gentleman is a strong advocate for the proportional representation system, but he is over-egging his argument if he thinks that it is a way of moving away from people voting on the basis of a Unionist preference or a nationalist preference, given that the vast majority do not transfer between Unionists and nationalists even in a PR election. His other central argument was that having a more proportional system, or an alternative vote system, would increase the credibility of this place. Does he accept that the credibility of this place is not based on how people are elected but on how they behave once they are elected, and that therefore a change in the electoral system would make no difference?

Mark Durkan: I thank the hon. Gentleman for making that point, but I do not accept it. Our experiences in Northern Ireland so far have been in multi-seat elections where people generally transfer to various other candidates whom they think might stand a chance of winning. In elections to a single seat, transfers cross party lines much more; and we increasingly find in elections generally that there is a bit more transferring across the lines. However, electing an MP on the single-Member constituency model involves a significantly different relationship.

Why should MPs in Northern Ireland not have the incentive to be much more actively cross-community in their appeal and be able to stand on much more of a cross-community mandate? That would be to the good of politics in Northern Ireland, and it might add to the weight and credibility that MPs from Northern Ireland have in this House, instead of our just being seen according to the colour of our political faction with no other agenda or mandate behind us other than that we were lucky enough to scrape through because of how things worked out in our constituencies according to first past the post.

I believe that this is an important step. I cannot dissuade anybody from feeling scepticism or cynicism about the motivation behind proposing it now, but I see very positive opportunities in it. I hope that the Committee will vote tonight to show confidence in the electorate. If people are confident enough to trust the electorate with the first-past-the-post system, why do they not trust them with a referendum that would allow them to make a choice between that system and one that ensures that they have more control over electoral mandates, and where it is less to do with the luck-almost the electoral scratchcard-of first past the post?

Mr. Gummer: One could start by saying that there is a distinction between offering the public a choice and offering them a proper choice. I agree with the hon. Member for Foyle (Mark Durkan) that one should trust the public. Our complaint about the proposal is that it is a fraud, because it does not offer a choice that is in any way informed by a study, a concern, or a search for an alternative, but simply a choice between first past the post and AV. AV has never been adduced as a sensible alternative to first past the post in any independent

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inquiry that has been held, so there must be another reason for offering this particular choice. I do not always disagree with the hon. Gentleman's views, as he well knows, but it is not trusting the people to present them with a fake choice. This choice is being offered simply because it is convenient to the Government, not because it is something that the public want or can exercise.

There is no widespread demand for a change in the electoral system: there is widespread demand for a change in the way that this Parliament works, which is a wholly different matter. I might have had some sympathy with the Government if I did not know that they are not prepared to allow the House a proper consideration of the Wright committee's report. If they were in the course of coming to the House to make real decisions about giving Back Benchers the opportunity to control the Executive in the way that we once did and could again, they would be able also to suggest that the electoral system might be improved. However, as they have consistently diminished the power of the House over 12 or 13 years, they cannot be taken seriously if, in their dying days, they suggest that we should have a different system of election.

This Government are the reason for much of the disillusionment in the nation. Under the word "modernisation", they conned a new generation of Members of Parliament into giving away the very mechanisms that enabled the House to keep the Executive under control, at least to some extent. That started with the guillotine-the demand that we should at all times ensure that every Bill was controlled by the Government. That has been serious, because it has meant that no Bill has been properly debated in this House since. Without the unelected second House, there would not have been proper consideration of a whole Bill in any circumstance.

In addition to that, the Government have insisted that we should have a system that not only has a guillotine but that increasingly uses secondary legislation as a mechanism of avoiding discussion in the House. If we changed that, which the Wright Committee has suggested ways of doing, we would be much more in touch with what the public want than we are in any discussion about electoral reform.

However, let us for a moment suggest that we might need electoral reform. I oppose referendums in any circumstance except this one. A referendum is an unsuitable way of making any decision in a parliamentary democracy. I have voted against it, and I believe my party is foolish to have taken it up. It seems to me to be a mechanism that is both foreign in invention and foreign to our system, but it has always been said that if we want to change the electoral system itself, there has to be a mechanism by which we return to the public. I therefore do not object to the referendum as a concept in this case, but I do object to conning the public. What do I say to them? I say, "You are going to have a choice not between proportional representation of one sort or another and first past the post, but between the disproportional first past the post and the more disproportional AV." That is not a choice; it is a ridiculous offering that could be given only by a Government who are cynical in the extreme.

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I am very sorry about the two poor, pathetic Ministers who have to defend the Government, because both of them are decent and know perfectly well that in a real world they would never be making this argument. The Minister of State, the right hon. Member for North Swindon (Mr. Wills), will do his best, of course—that is his job and he will feel that he has to. However, he knows perfectly well that it would be honest to get up and say, "We are going to give an offering between one system and another," but that it is not proper to put forward something that has only one object—to benefit the Government, or the party that the Government hope to entice into coalition if they are in a position to do so. That is what this is about, and we know it. The Minister may smile happily, and he is a genuine and decent man, but if he thinks he can find more than five independent people outside here who have not sussed that out, he will be lucky. Nobody in the country believes that this suggestion has been made for other than mere cynical political reasons. That is the fact. No amount of spin, talking among themselves or discussion will lead anybody outside to believe that this measure is anything other than another cynical move by a very cynical Government.

Mark Durkan *rose—*

Mr. Gummer: I give way to an uncynical Member.

9.15 pm

Mark Durkan: I thank the right hon. Gentleman uncynically for being so generous. He is suggesting that Ministers do not believe the arguments that they are making. Does he believe the argument that he makes—that the referendum is wrong because it will offer a choice not between PR and first past the post, but between only AV and first past the post? If he really believes that argument, will he therefore vote for Lib Dem amendment (b)?

Mr. Gummer: No I will not— *[Interruption .]* No. I will not do so because I do not believe in proportional representation, and I am now going to explain to the hon. Gentleman why it is wrong.

One must begin with the assumption that no electoral system is perfect. We must also say that the electoral system in a parliamentary democracy is to elect both a Parliament and a Government. One must therefore balance the need for proportionality and an exact mathematical reflection of votes cast, and the need for a Government with a firm mandate. The first-past-the-post system has a huge advantage, because it means that there are coalitions before, rather than after, elections. I therefore believe that that system is more democratic than any system of proportional representation, because voters know precisely what they are getting.

A Conservative voter votes for a range of people, from me to a number of my colleagues who are rather more to the right; and a Labour voter knows perfectly well that they are voting for a coalition that stretches in a different direction, but which gets quite close in the middle. Liberal Democrat voters have no idea what they are voting for-and they are the sort of people who do not mind that. I have therefore always thought that the Liberal Democrats are the one party that have no right to talk about the electoral system, because what they propose is determined by where in the country one lives.

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Sir Patrick Cormack: It is a lucky dip.

Mr. Gummer: Indeed it is. Liberal Democrat voters in my constituency vote for a totally different policy from Liberal Democrat voters in the constituency next door. People know perfectly well that the policy will be dictated by how many people they think they can get to vote on any subject. Sometimes that varies from ward to ward, sometimes from street to street, and I have noticed that it sometimes varies from house to house. As a friend of mine said to me on the doorstep, "The choice here is between Conservative and Liberal Democrat. If God had been a Liberal Democrat, He would have offered us the ten suggestions." Of course, that is true. The trouble and the difficulty is that not only would He have offered my friend ten suggestions, He would have offered his neighbour ten different suggestions.

The Liberal Democrats talk about electoral systems. In every election but one, when I beat them to it, they have put out a letter in my constituency saying, "Only the Liberal Democrats"-

The First Deputy Chairman of Ways and Means (Sylvia Heal): Order. I am sure that the right hon. Gentleman will get back to looking specifically at the proposals before us. I understand the points he is making, but perhaps, because of the time, he will now do so.

Mr. Gummer: Of course, I obey exactly what you say, Mrs. Heal, but the Liberal Democrats have in this debate taken a holier-than-thou position on the electoral system. I am merely pointing out that they are in no position to do so, but I will move on.

There is a great argument that most PR systems suffer from a notably unfair mechanism. I raised with my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard), the former leader of the Conservative party, the question of the German system. In Germany, the Free Democratic party has an almost perpetual lien on being Foreign Secretary. That is an arrangement. Herr Genscher was Foreign Secretary for so long that he could not remember whether the world was different when he started from the way it was when he finished, because it had been such a long time. Germany is back in that kind of politics again now.

That is all very well, but it means that the Free Democrat voter has more power than any other voter in that system, so it is not fair. The trouble with the AV system, as with many others, is that it means that those who vote for a minority party have, in effect, two votes. It is no good saying that they do not. If I vote for a majority party, I have only one go at it. The person who votes first for ridiculous parties such as UKIP has another vote, and no doubt votes for the Liberal Democrats. I understand that if Liberal Democrat voters are polled, there are proportionally more anti-Europeans among them than in any other of the major parties. Suppose the person votes for the Liberal Democrats. They do not win, so the voter still has a chance to vote Conservative or Labour.

Hugh Bayley: It is very kind of the right hon. Gentleman to give way, but he has got the mathematics wrong. In the first round in the circumstances that he describes, the Conservative voter has one vote, which goes to the Conservative party. The Lib Dem has one vote, which goes to the Lib Dems. If the Lib Dem candidate is

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eliminated, in the second round, that vote may go to some other candidate, and in the second round the Conservative voter still gets one vote and it goes to the Conservative candidate.

Mr. Gummer: The Conservative voter has the same vote in both rounds, whereas the other voter is able to change his vote. That means he has two votes. *[Interruption.]* I am very sorry. The hon. Gentleman can make his point as much as he likes, but the fact is that one chap has two chances to decide and the other chap has only one chance to decide. [Hon. Members: "No!"] Look, in the House of Commons it is always perfectly reasonable to say that there are two ways of looking at the mathematics, or we would never have passed any of the Government's Budgets.

One can say, "It's really one because it's sort of the Conservative voting Conservative twice." In my view, one person has a series of different choices and the other has one choice, and he cannot go back and say, "In the end, I'd rather like to have done it a different way," so he is in a different position.

Mr. Straw: I am grateful to the right hon. Gentleman. I am enjoying his speech, and he will wish to know that his description of his opponents chimes a few chords on the Government Benches. Let me correct him, if I may. In his example, the Conservative voter and the person whose first preference was knocked out and who went for a second choice both have the same number of choices. This is a serious point. If there were an eliminating ballot, of the kind that all the parties have used, and the right hon. Gentleman were lucky enough to get a plurality of the first preferences whereas Straw was knocked out, on the second ballot Straw supporters would have to decide who to vote for. So would Gummer supporters. Gummer supporters would carry on voting for Gummer. Straw supporters might decide to vote for Gummer. In both cases two votes have been exercised.

Mr. Gummer: I do not want to go into this too far, because I think the Chair would stop me. The right hon. Gentleman gets it wrong. If there is a sequential vote, as there is in his example, the Gummer supporters can say, "I'm not quite so sure. I don't think my chap is going to win if it goes on like that. He is only a couple of votes ahead of Straw." Because the Gummer supporter is able to vote again, he may vote for Cormack. We had a vote in the House not long ago in which that was precisely what many Members did. It is a different system and not one that I am proposing. I am merely saying that the sequential system is fundamentally different and fairer than the AV system.

I know that others want to speak so I shall conclude my remarks. I am sorry that there are now only three Liberal Democrats in the Chamber, as I have more to say about their approach to the new clauses that we are discussing.

The Liberal Democrats have said that they are going to vote for AV even though they accept that it is no more proportional-indeed, it may be less proportional-than first past the post, because it is baby steps towards proportional representation. That is a very suitable phrase for the Liberal Democrats. I ceased to be a liberal at the age of 11-I grew out of it-and that is one of the issues here. The point about the Liberal Democrats is that they will do anything to change the

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system, because the present system does not do them the justice that they feel they should have. They would even move from first past the post to a less fair system so that they get more votes. What kind of principle is that?

The Secretary of State said that this is a matter of principle. I have heard no principle from those who support these new clauses. Therefore, I hope that the Committee will consider four points. First, there is a fundamental difference between reform and change. The Secretary of State has been talking about change as if it were reform. If he were bringing this change forward alongside the Wright Committee recommendations in a manner that enabled the House to discuss and vote on them properly, we might believe in the reform agenda, but there is no motion before us to stop automatic guillotines, for example, or to provide that we will sit for as long as it takes properly to discuss issues. There is no motion to require 100 hours in Committee before a guillotine. All those suggestions would keep the Executive under closer control. We cannot apply the word "reform" to a move from first past the post to something that is less fair and more complex.

The second point is that those of us who are passionate supporters of the European Union, as I am, have gone to great trouble to look at the systems of our neighbours. It would be good if we had a more common approach. However, none of them has a system that I would swap for ours. The disadvantages in every other country are clear, and I shall give one example. If anyone knows a Dutch MP, they will know that he is elected under a perfectly proportional system, but has no interest in a constituency, because in order to be perfectly proportional the system can never be constituency-based.

The third point is that decisions on constitutional matters taken for party political reasons are always bound to fail-apart from also being fundamentally wrong. Parties of all kinds have tried it, and all of them have discovered that it don't work.

The last point-

Frank Dobson (Holborn and St. Pancras) (Lab): Will the right hon. Gentleman give way?

Mr. Gummer: As the right hon. Gentleman has not been in his place for the debate-

Frank Dobson: I was watching it in my office.

Mr. Gummer: Well, that is one of the problems of this House. When we voted for television, we foolishly did not say that it should not be put in Members' offices, so that they would have to come into the Chamber to hear a debate. That is another change that the Government might introduce as a reform-

The First Deputy Chairman of Ways and Means: Order. That is definitely a debate for another day.

Mr. Gummer: Let me finish then. My last point is again addressed to the Liberal Democrats. In the past, they have had a majority in this House. Did they come forward with proportional representation then? Were they keen on making everybody happy with equal votes?

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Did they give the nascent Labour party the opportunity to have a proper reflection of the number of votes it won? No, they did not. While they had power under the first-past-the-post system, not a word of such a reform passed any of their lips. This question only comes up in the House when a party thinks that it can get something out of it, and if anybody thinks that that is reform, rather than change, they should think again.

I say to the Lord Chancellor, a man whom I respect and honour-he always knows that that probably means that the next sentence is not going to be as polite-that he cannot help to regain the trust of the

people in Parliament by proposing a change that every independent commentator has said is entirely for cynical, party political reasons. No one believes him. No one outside the House thinks that it would have been brought forward had the Prime Minister not thought it was good for him and his party. It would not have been brought forward if the Prime Minister held high views of his responsibility towards Parliament and the people, instead of some of the lowest views of any Prime Minister in our history.

Several hon. Members *rose* -

The First Deputy Chairman of Ways and Means: Order. I advise right hon. and hon. Members that the winding-up speech, I understand, will commence at 9.50 pm. I would like as many Members who rose as possible to make a contribution to the debate. I leave hon. Members to do the maths themselves so that that can take place.

Hugh Bayley: We have heard this afternoon a lot of party political advantage masquerading as high principle, but nobody has done it better than the right hon. Member for Suffolk, Coastal (Mr. Gummer). I do not buy the argument that the public are not interested in how we, as Members, are elected to this place. I think that, at the next general election, there will be two key questions. The first will be on the trust that the public have in us, as Members, and in the House and Parliament as institutions. Secondly, they will be interested in accountability-how they, as the public, can make Members of Parliament, especially those in safe seats, more accountable to the electorate. That is why the public are pressing for things such as primaries to select candidates, the recall of Members, greater transparency through the publication of expenses and Members' commercial interests.

I believe that the alternative vote increases accountability, because it encourages Members of Parliament and candidates to listen to, and seek to gain second preference votes from, supporters of other parties. For a long time-more than 20 years-I have been a member of a Labour campaign for electoral reform, and I used to argue for proportional representation, but I have to say that I have been won over to the case for the alternative vote, principally because it preserves the constituency link, which I believe is a key issue as far as accountability is concerned.

Over the past decade and more, we have introduced non-first-past-the-post voting systems for a number of institutions, including the additional Member system for the Scottish and Welsh Parliaments. Twenty years

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ago, I would have favoured that system, but I do not think that it has worked particularly well because it has broken the constituency link and encourages bickering between parties. For example, there might be two MSPs from different parties claiming different mandates from the same group of people.

The party list system, which the House approved for the European Parliament, like STV, which the Liberal Democrats support, uses multi-Member constituencies that are so big that they break the link between the constituent and the Member of Parliament, leave the public unclear about who represents them and, as we saw at the last election, allow extremists, such as the British National party, to be elected when they have nothing like the support of a majority of members of the public.

The London Mayor-I say this nervously, with my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) sitting behind me-is elected by a modified form of the alternative vote. That system has worked quite well. Over three elections, we have had three changes. We had an independent Labour Mayor elected, a Labour Mayor elected and a Conservative Mayor elected.

That shows that the alternative vote does not lock in an unfair advantage to the left or the right, or to the two largest parties at the expense of others.

Opponents of electoral reform ask, "Why bring the proposals forward now? What has changed?" Three things have changed. First, there is greater public mistrust in the system than ever before. Secondly, there has been a fragmentation of the vote. In 1951, 582 MPs-94 per cent. of the total-won with an absolute majority, with more than 50 per cent. of the votes in their constituencies. By 1979, when Margaret Thatcher came to power, the proportion was down to 68 per cent. By 1997, in Blair's landslide, the figure was down to 53 per cent., and at the last election it was down to 34 per cent. Barely one third of the Members of this House enjoy the support of a majority of their voters, let alone a majority of those living and entitled to vote in their constituencies.

The first-past-the-post system works fairly well in a two-party race and reasonably fairly in a broadly two-party system, but the United Kingdom no longer has a two-party system. We have three broadly left-of-centre parties: the Labour party, the Liberal Democrats and the Green party. In addition, we have two broadly right-of-centre parties-the Tories and the UK Independence party-and some other parties too, which are represented in the Chamber this evening.

In York in 1987, which was the first time I stood, there were four candidates. In the last election there were eight candidates. There has been a fragmentation of the political parties, too. In 1987, I lost the election by 147 votes. The Green party took 637 votes. The Liberal Democrats, who had a particularly strong candidate-a Social Democratic party candidate, as he was in those days-in the form of the person who is now the hon. Member for Twickenham (Dr. Cable), took 9,898 votes. I would not be human if I did not wonder whether I might just have scraped ahead if those votes had been redistributable to other candidates. The same question occurs to Conservatives who lose by a whisker because their vote is split by UKIP or some other right-of-centre party.

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In a constituency where 40 per cent. of the voters vote for candidate A and 40.1 per cent. vote for candidate B, should not the remaining 20 per cent. of the electorate have a say over whether A or B should represent them? [Hon. Members: "No."] We are hearing the self-interest now. Under first past the post, everyone in that 20 per cent. is disenfranchised. They have no say one way or the other between the two leading candidates. The alternative vote would enfranchise them. As the hon. Member for Foyle (Mark Durkan) argued so eloquently, the public have the right to decide whether they want to make a change. We should put our trust in the public and have a referendum on the issue.

Mr. George Galloway (Bethnal Green and Bow) (Respect): Like the hon. Member for City of York (Hugh Bayley), I am a long-time member of the Labour campaign for proportional representation. Indeed, I am still a member, although not a member of the Labour party. [*Interruption.*] I know, that's me expelled now-I have blown it. I was a member of the campaign when the late Robin Cook was its chairman. Imagine my surprise to learn that the hon. Gentleman has been won over by the Government's position, thereby leaving us.

Like the hon. Member for Foyle (Mark Durkan), I came here this evening to support amendment (b), standing in the name of the Liberal Democrats, although I almost lost the will to live as we approached the 50th minute of the speech by the hon. Member for Cambridge (David Howarth). I have sufficiently woken up that I will still vote for that amendment. However, in extremis, like the

hon. Member for Foyle, I will support the Government, and for the same reasons: that what is proposed is a step forward and a slight improvement.

The Government are making a big mistake if they think that this little broom is going to sweep clean the Augean stables in this place. The labours of Hercules and the diversion of great rivers were required to cleanse the stench of those stables, and this little broom-this tiny little reform-will not do it. It will take far more radical proposals than this Government are likely to introduce to restore public trust in this place, and far more than have been canvassed in this debate, which, I am sorry to say, has been characterised by a complacent, joking, student debating society approach. [*Interruption .*] Well, it has. I have sat here for six and a half hours, shaking my head at the complacency on view on both sides. Members have no idea of the contempt out there in the country for the kind of debate and debating styles that have been on display this evening.

The reforms that we need in this place are beyond the reach of the existing Members of the House of Commons. That is why we urgently need a general election as soon as possible. We need to change the way in which we approach all our politics, and in my view, that includes retiring this very building. We need to acknowledge that it has become a museum-

The First Deputy Chairman: Order. In the time that is remaining, I hope that the hon. Gentleman will confine his remarks to the new clause that is before the Committee.

Mr. Galloway: If I do-and I will-follow your injunction, Mrs. Heal, I shall be practically the only Member in the entire debate to have done so. We have covered Scottish devolution, Lloyd George, and the whole of 20th century history, all in that lazy, complacent way. But I shall-

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The First Deputy Chairman: Order. I have no doubt that the hon. Gentleman will do so. Whatever other people might have done, I am currently in the Chair, and I am suggesting that he confine his remarks to the new clause.

Mr. Galloway: How I wish that you had been in the Chair all evening, Mrs. Heal, as I have had to listen to all of it.

I am in favour of the kind of reforms that are beyond this House, but I shall confine my remarks to those that are not. That there is cynicism is obvious. The Government are in favour of a referendum on this-a voting system that no one in the country is talking about-but on nothing else. A referendum on the Lisbon treaty, which everyone in the country was talking about, was promised in the manifesto, but it was denied. But I risk straying again, Mrs. Heal.

I regret to say that my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz)-with whom I was long associated, not least on this subject-painted a picture of a Scottish people unable to grasp the complexities of the single transferrable vote system. He insisted that whether someone's name was Anderson or Young had far more significance under the STV system in local government elections in Scotland than-

Mr. Hayes: On a point of order, Mrs. Heal. Having had to put up with a guilt-ridden, doubt-fuelled rant about Parliament, we are now having to endure a treatise on STV, which is not part of the new clause-[Hon. Members: "Yes it is!"] I hope that you will bring this to an end, Mrs. Heal.

The First Deputy Chairman: The points that are currently being made are relevant to the debate.

Mr. Galloway: Yes, they are. I am supporting amendment (b). The hon. Gentleman—who has made at least six interventions, each one more bovine than the last—ought to have read the amendment paper more closely.

The single transferable vote system may or may not be beyond the voters in Edinburgh, but my experience of Edinburgh is that nothing is beyond them. It is certainly not beyond the voters of the Republic of Ireland who have developed that system into a fine art. It is as fine an art of political sophistication as is available anywhere in the western world. It is not beyond our people to grasp its complexities. Neither is it the case that one of the three Members for Dublin South is not regarded by the voters of Dublin South as their MP, nor that the MP for Dublin South does not regard himself as the MP for Dublin South because there are two other Members. That is absurd. The idea that this ossified system of ours—of "one Member, one constituency" of a given size—is a better system is foolish in the extreme.

9.45 pm

If we moved to the system in the Republic of Ireland, as we can do if we support amendment (b) this evening, things would change. But then, if things do not change, there is no hope for politics in this country. *[Interruption.]* I hear a sedentary intervention saying there is no hope for me. I have won five general elections, the first of which was against the great Roy Jenkins, who was

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prayed in aid by the hon. Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) earlier this evening. Roy Jenkins was the first pillar of the establishment I defeated; he was not the last, and there may be more to come. Don't bet the farm on that.

Roy Jenkins suggested to this Government more than 10 years ago that they could have grasped this nettle, yet they refused to do so for the same cynical reason that they are now grasping for it. If they had listened to Roy Jenkins and implemented the Jenkins commission report, the centre-left majority that exists in this country would be entrenched in power and the right-wing rump represented by these people here, who opposed votes for women, who opposed votes for working men—*[Interruption.]* They can laugh, but people know that the words democracy and the Conservative party do not easily fit together. This right-wing rump—*[Interruption.]*

The First Deputy Chairman: Order.

Mr. Galloway: This right-wing rump—for a variety of reasons that I have no time to develop—now stands on the brink of power, but they would never have been in power again if Jenkins had been listened to and electoral reform had been implemented. Do the maths; look at any opinion poll; add up the Labour and the Liberal and the Scottish and Welsh nationalists and Respect and other parties, and it is easy to see that there is a very clear centre-left majority in this country. What would be wrong with an electoral system that gave the House of Commons the actual levels of representation that the people had voted for?

My last words on this—[Hon. Members: "Hooray."] Yes, they don't like it up 'em, Madam Chairman. That is for sure—*[Interruption.]* Well, some of them do! My last words are that proportional representation is about giving people what they vote for. I have heard all sorts of asinine comments tonight about small parties being the prerogative for idiots. It was twice said that people who vote for the third or the fourth party are idiots. Well, that is a good way to increase their popularity, but

those people have as much right to choose how this House of Commons looks like as any of those supporting what we increasingly less often can call the major parties.

Proportional representation is about giving people a House of Commons that reflects how they voted. What is wrong with a system that provides 10 per cent. or 30 per cent. or 50 per cent. of the seats in a Parliament if the party received 10 per cent. or 30 per cent. or 50 per cent. of the votes. What is wrong with that? I will tell you what is wrong with it, Mrs. Heal. It would put the iron-clad consensus that normally exists across this Chamber out of business-and that would be a good thing, too.

Mr. Wills: I think we have had a good debate. Amid all the arcane discussion of electoral technology, various important points of principle have emerged.

Before I turn to some of the detail, let me highlight three key points. Nearly all the Members who spoke touched on the question of partisan advantage in the different systems, and much play was made of extrapolations by various academics. I caution Members not to take voters for granted-voters tend to get the Government they want regardless of the electoral system that is in place-and I say to Members who are relying on professors

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that even professors can be wrong. This issue must be treated as one of principle, or it should not be treated at all.

Secondly, there is the difficult question of which principles should be engaged. I am glad that the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) is present. He rightly drew attention to the fungible nature of the term "fairness". I commend to all Members an admirable document entitled "Review of Voting Systems", which tries to assess the various voting systems according to seven criteria-proportionality, participation, the stability and effectiveness of government, the impact on voters, social representation, political campaigning and the impact on administration-and reaches very different conclusions.

There are strong, principled arguments on all sides of this debate, and we have heard them from both sides of the Chamber this evening. The Government have made it clear that our objective is to enhance the legitimacy of the system, and I was glad that, in a good speech, the hon. Member for Cambridge (David Howarth) said exactly that. Others may seek different ends from their electoral system, but that is what we seek.

Finally, let me deal with the question of who should decide the electoral system. In discussing our proposal, the Conservatives more or less exhausted the dictionary in seeking synonyms for scorn and contempt, but I remind them that all we are asking is for the British people to be able to decide. I fail to understand why that should excite such opposition from the Conservative party.

Richard Burden: The most important thing that the Leader of the Opposition said in his speech yesterday was, "Above all, power to the people." Why does my right hon. Friend think the Opposition find it so difficult to say that they and I, if we come to this place, should have the support of at least 50 per cent. of the people who vote in the election?

Mr. Wills: My hon. Friend has made a good point. I will suggest a possible reason why the Opposition take that view.

Despite several attempts, the hon. and learned Member for Beaconsfield (Mr. Grieve) failed to provide any compelling reason why a system that is good enough for the Conservatives to elect

their own leader and good enough for hereditary peers to elect hereditary peers in the House of Lords—a system which, incidentally, the Conservative party voted to support just two weeks ago—should be so axiomatically bad for parliamentary elections that the British people must be denied a say in whether they want to elect their Members of Parliament under that system. It is, I am sorry to say, hard to avoid the impression that the Conservatives are operating solely and exclusively in pursuit of what they believe, probably wrongly, to be their partisan self-interest. *[Interruption.]*

The First Deputy Chairman: Order.

Mr. Wills: The vigour of the response that my words have elicited may demonstrate that I have struck a raw nerve. It is clear from new clause 99, which, sadly, we shall not have time to debate tonight—from now on it will be known as the gerrymandering clause—that that is precisely what the Conservative party is trying to do.

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Everyone is in favour of cutting the cost of politics, and everyone is in favour of a fair distribution of seats—

Mr. Grieve: On a point of order, Mrs. Heal. Is it in order for the Government to guillotine debate to make it impossible for us to discuss this evening our proposal on new boundaries for constituencies, and then for the Minister to abuse the orders of the House by making a speech upon it in his reply to the Government amendments?

The First Deputy Chairman: That is, in fact, a point for debate and, as the occupant of the Chair, I am bound by the Standing Orders of the House that were agreed upon for this debate.

Mr. Wills: I will move on now, but I very much want to return to debate this subject—and, believe me, we will, because we want to expose exactly what the Opposition are trying to do through this new clause.

There were several distinguished contributions to our debate. I want to single out my right hon. Friend the Member for Birkenhead (Mr. Field), who rightly drew attention to the merits of open primaries. Shortly, I will explain exactly what I think the Conservative party is about, but I want to pay tribute to its pioneering efforts in this one area. There is a lot to be said for open primaries, and all of us should explore this further; it is about the fundamental reform of politics.

The absence of the hon. Member for South Staffordshire (Sir Patrick Cormack) from this House after the next election will be a great loss to Parliament. He made a point—he did so several times—about whether the Bill has any chance of success. I think he is making assumptions that he, as a most distinguished parliamentarian, should know it is unwise to make. We will see; Parliament should, and will, decide.

The right hon. Member for Suffolk, Coastal (Mr. Gummer) is not in his place at present, but he made an immensely entertaining speech. He asked why there was this choice between first past the post and the alternative vote. My right hon. Friend the Secretary of State made that clear: it is because we believe in majoritarian systems. We believe fundamentally in the importance of the direct link between the Member of Parliament and their constituency. This is simply a choice between two such systems. The right hon. Gentleman also asked a question about money, and I am sorry he is not present to hear that in this financial year and the next his area will receive an extra

£92.3 million in NHS funding. I hope that might convince him of the merits of a Labour Government.

Everyone agrees that this country's democracy needs to be renewed in every area, and this Government are committed to that. We have cleaned up the scandal of parliamentary expenses so the abuses that took place can never take place again. We are committed to giving Parliament more power, and many of the measures in this Bill advance that. *[Interruption.]*

The First Deputy Chairman: Order. I apologise for interrupting the Minister, but the private conversations of Members who have recently arrived in the Chamber are far too loud. Those who have been here for this debate, as well as myself, would like to hear the Minister's reply.

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Mr. Wills: Thank you, Mrs. Heal.

We are rightly putting forward through this Bill many measures to give Parliament more power. We set up the Wright Committee, and we will see through its recommendations. We are committed to bringing in recall of MPs. We are pioneering new ways of involving the public directly in policy making. This commitment to constitutional renewal is the context for these measures.

We all need to do everything we can in every area to enhance the legitimacy of our democracy with the people we all serve. The legitimacy of the electoral system is fundamental to that. There is clearly a case for enhancing that legitimacy and, as many Members have explained this evening, the alternative vote can do that by ensuring that every Member of Parliament comes to this place with the support, in some form, of a majority of voters. These Government proposals give the British people a choice as to how they want to elect their Members of Parliament. We should give them that choice and support these proposals.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 365, Noes 187.

ENTITLEMENT TO VOTE

"Those entitled to vote in the referendum under section [*Referendum on voting systems*] are-

(a) the persons who, on the date of the poll, would be entitled to vote as electors at a parliamentary election in any constituency, and

(b) the persons (not within paragraph (a)) who on that date would be entitled to vote as electors at an election to the European Parliament in any electoral region because of section 8(3) or (4) of the European Parliamentary Elections Act 2002 (peers).'- (*Mr. Straw.*)

Brought up, and added to the Bill.

New Clause 90

REFERENDUM PERIOD

'(1) This section sets out what is the referendum period, for the purposes of Part 7 of the Political Parties, Elections and Referendums Act 2000, for the referendum under section [*Referendum on voting systems*].

(2) Subject to subsection (3), the referendum period-

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(a) begins with the date of the making of the order under section [*Referendum on voting systems*] that fixes the date of the poll, and

(b) ends with the date of the poll.

(3) If the order mentioned in subsection (2)(a) fixes a date that is more than 6 months after the day on which the order is made, the referendum period is the period of 6 months ending with the date of the poll.'- (*Mr. Straw.*)

Brought up, and added to the Bill.

New Clause 91

ROLE OF ELECTORAL COMMISSION

'(1) The Electoral Commission must take whatever steps they think appropriate to promote public awareness about the referendum under section [*Referendum on voting systems*] and how to vote in it.

(2) The Electoral Commission may take whatever steps they think appropriate to provide, for persons entitled to vote in the referendum, information about each of the two voting systems referred to in section [*Referendum on voting systems*] (3).'- (*Mr. Straw.*)

Brought up, and added to the Bill.

New Clause 92

PAYMENTS TO COUNTING OFFICERS

'(1) A counting officer is entitled to recover his or her charges in respect of services rendered, or expenses incurred, for or in connection with the referendum under section [*Referendum on voting systems*] if-

(a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the referendum, and

(b) the total of the officer's charges does not exceed the amount ("the overall maximum recoverable amount") specified in, or determined in accordance with, an order made by the Secretary of State by statutory instrument, with the consent of the Treasury, for the purposes of this subsection.

(2) An order under subsection (1) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of a specified description.

Subject to subsection (3), the counting officer may not recover more than that amount in respect of such services or expenses.

(3) In a particular case the Electoral Commission may, with the consent of the Treasury, authorise the payment of-

(a) more than the overall maximum recoverable amount, or

(b) more than the specified maximum recoverable amount for any specified services or expenses,

if the Commission are satisfied that the conditions in subsection (4) are met.

(4) The conditions are-

(a) that it was reasonable for the counting officer concerned to render the services or incur the expenses, and

(b) that the charges in question are reasonable.

(5) The Electoral Commission must pay the amount of any charges recoverable in accordance with this section on an account being submitted to them.

But if the Commission think fit they may, before payment, apply for the account to be taxed under section [*Taxation of counting officer's account*].

(6) Where the superannuation contributions required to be paid by a local authority in respect of a person are increased by a fee paid under this section as part of a counting officer's charges at the referendum, then on an account being submitted to them the Electoral Commission must pay to the authority a sum equal to the increase.

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(7) On the counting officer's request for an advance on account of the officer's charges, the Electoral Commission may make an advance on such terms as they think fit.

(8) The Electoral Commission may by regulations make provision as to the time when and the manner and form in which accounts are to be rendered to the Commission for the purposes of the payment of a counting officer's charges.

(9) An order or regulations under this subsection may make different provision for different cases.

(10) Any sums required by the Electoral Commission for making payments under this section are to be charged on and paid out of the Consolidated Fund.'- (*Mr. Straw.*)

Brought up, and added to the Bill.

New Clause 93

TAXATION OF COUNTING OFFICER'S ACCOUNT

'(1) An application for a counting officer's account to be taxed must be made-

(a) except where paragraph (b) applies, to a county court;

(b) where the counting officer is one who was appointed for an area in Scotland, to the Auditor of the Court of Session.

A reference in this section to "the court" includes a reference to the Auditor mentioned in paragraph (b).

(2) On any such application the court has jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the counting officer.

(3) Where an application is made for a counting officer's account to be taxed, the officer may apply to the court for it to examine any claim made by any person ("the claimant") against the officer in respect of matters charged in the account.

(4) On an application under subsection (3), after the claimant has been given notice and an opportunity to be heard and to tender any evidence, the court may allow, disallow or reduce the claim, with or without costs.

The court's determination of the claim is final for all purposes and as against all persons.

(5) An application under subsection (1) for taxation of the account of the counting officer for Northern Ireland must be made to the county court that has jurisdiction at the place where the officer certified the number of ballot papers counted and votes cast.'- (*Mr. Straw.*)

Brought up, and added to the Bill.

New Clause 94

RESTRICTION ON LEGAL CHALLENGE TO REFERENDUM RESULT

'(1) No court may entertain any proceedings for questioning the number of ballot papers counted or votes cast in the referendum under section [Referendum on voting systems] as certified by the Chief Counting Officer or a counting officer unless-

(a) the proceedings are brought by a claim for judicial review, and

(b) the claim form is filed before the end of the permitted period.

(2) In subsection (1) "the permitted period" means the period of 6 weeks beginning with-

(a) the date on which the Chief Counting Officer or counting officer gives a certificate as to the number of ballot papers counted and votes cast in the referendum, or

(b) if the Chief Counting Officer or counting officer gives more than one such certificate, the date on which the last is given.

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(3) In the application of this section to Scotland, subsection (1) has effect-

(a) with the substitution in paragraph (a) of "a petition" for "a claim";

(b) with the substitution in paragraph (b) of "the petition is lodged" for "the claim form is filed".

(4) In the application of this section to Northern Ireland, subsection (1) has effect-

(a) with the substitution in paragraph (a) of "an application" for "a claim";

(b) with the substitution in paragraph (b) of "the application for leave to apply for judicial review is lodged" for "the claim form is filed".!- (*Mr. Straw.*)

Brought up, and added to the Bill.

New Clause 95

REFERENDUMS: PERSON MAY NOT BE "RESPONSIBLE PERSON" FOR MORE THAN ONE PERMITTED PARTICIPANT

'(1) Part 7 of the Political Parties, Elections and Referendums Act 2000 (referendums) is amended as follows.

(2) In section 105 (permitted participants), in subsection (1)(b)(i), after "(as defined by section 54(8))" insert "who is not the responsible person, in relation to the referendum, for another permitted participant".

(3) In section 106 (declarations and notifications for purposes of section 105), after subsection (4) insert-

"(4A) A declaration made or notification given by a body in relation to a particular referendum does not comply with the requirement in subsection (2)(b) or (4)(b)(ii) (to state the name of the person who will be responsible for compliance) if the person whose name is stated-

(a) is already the responsible person for a permitted participant in relation to the referendum,

(b) is an individual who gives a notification under subsection (3) in relation to the referendum at the same time, or

(c) is the person whose name is stated, in purported compliance with the requirement in subsection (2)(b) or (4)(b)(ii), in a notification given in relation to the referendum at the same time by another body.

In this subsection "the person", in relation to a body other than a minor party, is to be read as "the person or officer"."- (*Mr. Straw.*)

Brought up, and added to the Bill.

New Clause 96

REFERENDUMS: EXPENSES INCURRED BY PERSONS ACTING IN CONCERT

'(1) Part 7 of the Political Parties, Elections and Referendums Act 2000 (referendums) is amended as follows.

(2) In section 118 (special restriction on referendum expenses by permitted participants), in subsection (4), after "for the purposes of this section," insert "section 118A,".

(3) After that section insert-

"118A Referendum expenses incurred by persons acting in concert

(1) This section applies where-

(a) any referendum expenses are incurred by or on behalf of an individual or body during the referendum period for a referendum to which this Part applies, and

(b) the expenses are so incurred in pursuance of a plan or other arrangement whereby referendum expenses are to be incurred by or on behalf of-

(i) that individual or body, and

(ii) one or more other individuals or bodies,

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respectively with a view to, or otherwise in connection with, promoting or procuring one particular outcome in relation to any question asked in the referendum.

(2) The expenses mentioned in subsection (1)(a) shall be treated for the purposes of-

(a) section 117,

(b) section 118 and Schedule 14, and

(c) sections 120 to 123,

as having also been incurred, during the referendum period, by or on behalf of the other individual or body (or, as the case may be, each of the other individuals or bodies) mentioned in subsection (1)(b)(ii).

(3) This section applies whether or not any of the individuals or bodies in question is a permitted participant.".- (*Mr. Straw.*)

Brought up, and added to the Bill.

New Clause 98

COUNTING OF VOTES IN PARLIAMENTARY ELECTIONS

'(1) The Representation of the People Act 1983 is amended as follows-

(2) In Schedule 1 (Parliamentary elections rules), in paragraph 44, after sub-paragraph (1) insert-

"(1A) The counting of votes in a parliamentary election shall start within four hours of the close of the poll, save in exceptional circumstances.

(1B) The Secretary of State shall, after consulting the Electoral Commission, prepare draft guidance on the definition of "exceptional circumstances" for the purposes of sub-paragraph (1A).

(1C) The draft guidance prepared under sub-paragraph (1B) may not be issued unless a draft has been laid before, and approved by both Houses of Parliament.".- (*Mr. Straw.*)

Brought up, and added to the Bill.

Clause 62

EXTENT, COMMENCEMENT, TRANSITIONAL PROVISION AND SHORT TITLE

Amendments made: 100, page 32, line 38, leave out '(apart from this Part)'.

Amendment 136, page 32, line 40, at end insert-

'() Subsection (3) does not apply to the following provisions of this Act (which accordingly come into force on the day this Act is passed)-

(a) sections [*Referendum on voting systems*] and [*Referendum period*];

(b) section [*Tax status of MPs and members of the House of Lords*];

(c) section [*Tax status of members of the House of Lords: transitional provision*] (or section 33, so far as applied by that section);

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(d) section [*Section 3 of the Act of Settlement*];

(e) sections [*Referendums: person may not be "responsible person" for more than one permitted participant*] and [*Referendums: expenses incurred by persons acting in concert*];

(f) this Part.'- (*Mr. Straw.*)

Title

Amendments made: 102, line 1, after 'State;' insert

'to make provision in relation to section 3 of the Act of Settlement and other provision in relation to nationality restrictions connected with employment or the holding of office in a civil capacity under the Crown;'.
'

Amendment 133, line 2, after 'treaties;' insert

'to amend the Parliamentary Standards Act 2009 and the European Parliament (Pay and Pensions) Act 1979 and to make provision relating to pensions for members of the House of Commons, Ministers and other office-holders;'.
'

Amendment 137, line 2, after 'treaties;' insert

'to make provision for a referendum on the voting system for parliamentary elections, and about referendums generally;'.
'

Amendment 134, line 4, after 'Lords;' insert

'to make provision for treating members of the House of Commons and members of the House of Lords as resident, ordinarily resident and domiciled in the United Kingdom for taxation purposes;'.
'

Amendment 43, line 10, after 'Office;' insert

'to amend Schedule 5 to the Government of Wales Act 2006 in relation to the Auditor General for Wales;'.- (*Mr. Straw.*)

Mr. Grieve: On a point of order, Madam Chairman. The reality is that, without the debate having been long-winded, yet again we have failed to consider a large number of clauses, including on questions of mental illness of Members of Parliament, the role of the Attorney-General, war powers, code of conduct for publicly funded bodies, royal marriages and succession to the Crown, complaints to the parliamentary commissioner, and parliamentary constituencies and elections. Is it not making a mockery of the House that yet again we show ourselves utterly unable to consider and scrutinise legislation properly?

The First Deputy Chairman: Order. The hon. and learned Gentleman has made his point, and it will have been heard and noted. Equally, he will know that I am bound by the programme order of the House.

The Deputy Speaker resumed the Chair.

Bill, as amended, reported (Standing Order No. 83D(6)).

Bill to be considered tomorrow.