

# STATES OF JERSEY

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## **MACHINERY OF GOVERNMENT REFORM: COMPOSITION AND ELECTION OF THE STATES ASSEMBLY (P.151/2004) – AMENDMENTS (P.151/2004 AMD.)– AMENDMENTS**

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**Lodged au Greffe on 12th October 2004  
by Deputy M.F. Dubras of St. Lawrence**

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**STATES GREFFE**

MACHINERY OF GOVERNMENT: COMPOSITION AND ELECTION OF THE STATES ASSEMBLY  
(P.151/2004): AMENDMENTS (P.151/2004 Amd.)– AMENDMENTS

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(1) *In amendment (1) for the figure “42” substitute the figure “37” and for the table setting out the number of members to be elected in the 12 Parishes substitute the following table–*

“	St. Helier	12 members	
	St. Saviour	5 members	
	St. Brelade	4 members	
	St. Clement	3 members	
	Grouville	2 members	
	St. Lawrence	2 members	
	St. Martin	2 members	
	St. Ouen	2 members	
	St. Peter	2 members	
	St. John	1 member	
	St. Mary	1 member	
	Trinity	1 member	”

(2) *In amendment (2) for the word “Senator” substitute the word “Deputy”.*

DEPUTY M.F. DUBRAS OF ST. LAWRENCE

## REPORT

In its introduction to their December 2000 report, the Clothier Review Panel differentiated between Jersey Yesterday and Jersey Today. I seek to present a view that builds on the Panel's conclusions and is appropriate for Jersey Tomorrow. The concluding paragraph surmises that some of the changes proposed "may be painful" to some of those of us in positions of authority. What follows in this report may well be so; however, it is based on my firm beliefs which predate my period as a States Member and have been confirmed during eight years experience.

### **The number of Members of States of Jersey shall reduce from 53 to 37**

In Chapter 2, The Electorate, the Panel highlighted "the particularly high ratio of representatives to population – one representative for every 1,520 of the people". I commend to members rereading in full Chapter 3, The States Assembly, pages 12 – 16, and relevant parts of Chapter 5; in particular paragraphs 1, 7,13 and 19. Chapter 8, The Bailiff, also has relevance; paragraph 8.13 refers.

From the above I draw confirmation for my own conclusions that one should start from the premise, as I stated in my submissions to 2 Special Committees as well as the Clothier Panel, that the Island legislature can operate more effectively, affordably and still democratically, with significantly fewer members than the present. To quote my most recent submission:

*"..... we need to start with what is required if we had a blank piece of paper to establish the purpose of and design of the States, then work through the number of changes that need to be made to end up as close as possible to the desired outcome."*

*"The purpose of the States Of Jersey is to act on behalf of all the residents as 'the democratic parliamentary Island Government and be its formal autonomous law-making body' with international standing. In truth, we are in process of making the significant transition to a combination of an executive council inter-dependent upon a scrutiny system to provide balance, to some extent in lieu of a second chamber.*

*As you have noted in your third fundamental matter, the States is intended to address island-wide and strategic issues, not matters of local or municipal administration--those, I submit, are the domain of the individual parish or the new collective, collaborative Conseil. It remains important though not to ignore the parish framework or disassociate the States from it.*

*If the purpose, in its short-hand description above, is generally accepted, then how many members representing the residents does it require to make it work? I submit, that a sufficient number which can be afforded is **36**.*

*I see that number made up of (i) the executive of not more than 10, probably fewer, like 8 or 9, Ministers and supporting assistant ministers totalling sixteen; (ii) the scrutiny system consisting of 16 plus 4 [10% differential] or twenty in total to make the balance. This is a reasonable number given the task and proportionately much larger than in other places."*

The Clothier Panel concluded that as few as 7 ministerial departments (5.1) would suffice with a total executive of a minimum of 15 (5.13); I propose 16 including the Office of Chief Minister. Add to that the non-executive or scrutiny component (5.7) of 20 for a sub-total of 36.

The States of Jersey approved P.70/2002, which set out the departmental arrangements both for transition to and the initial set of departments to be directed by 10 Ministers making up the Council of Ministers. Some might wonder therefore how I have arrived at about 8. My belief is that by 2008 there will have been sufficient operating experience and re-thinking that a smaller number will be seen as sufficient and viable.

I went on in my submission commenting upon R.C.25/2004 and addressed briefly the one difficult and contentious issue that had so far "not been tackled by any of the Special committees. I have given the matter

*considerable thought in the time I have been in the States and strongly believe in the principle that the President [or Speaker] should be s/elected from among its elected membership. For that reason my proposed total elected membership would be increased from 36 to 37.”*

I believe this reduction is achievable by (spring) 2008 which will mark the end of a 10-year transition since the review carried out by the Clothier Panel was conceived at a meeting of members at the hospital!

(The States subsequently approved the setting up of a review on 1st September 1998 by an independent body, which was then established on 2nd March 1999.)

I accept that the Clothier Panel in 5.1 admits that “there is no optimum number of members for any assembly”. They went on, “we do not believe that the present number of 53 is too many in absolute terms”; but then comes the critical caveat: “if that were the number required to perform the legislative and executive functions of the States”(my emphasis). The clear conclusion then reached follows: “But in fact we believe that a more effective assembly would result from the States being fewer in number and more concentrated in function.”

### **Each Member will be a representative of a Parish or part thereof**

Based on a total of 37 Members, representation of the public of the Island will be increased, based on the most recent census, to a more reasonable and equitable average number of 2,356 (rounded, say, to 2,400).

	<b>Proposed members</b>	<b>Population 2001 Census</b>	<b>Residents per member</b>	<b>Electors March 2004</b>	<b>Electors per member</b>
St. Helier	12	28,310	2,359	13,750	1,146
St. Saviour	5	12,491	2,498	6,548	1,310
St. Brelade	4	10,134	2,534	6,268	1,567
St. Clement	3	8,196	2,732	4,621	1,540
Grouville	2	4,702	2,351	2,933	1,467
St. Lawrence	2	4,702	2,351	3,001	1,501
St. Peter	2	4,293	2,147	2,538	1,269
St. Ouen	2	3,803	1,902	2,261	1,131
St. Martin	2	3,628	1,814	2,348	1,174
Trinity	1	2,718	2,718	1,733	1,733
St. John	1	2,618	2,618	1,664	1,664
St. Mary	1	1,591	1,591	1,096	1,096
<b>TOTALS</b>	<b>37</b>	<b>87,186</b>		<b>48,761</b>	
<b>Average</b>			<b>2,356</b>		<b>1,318</b>

In my submission to the Special Committee I made the following argument –

*“I believe the members of the States of Jersey ideally would be elected based on the generally-accepted principle of one per constituency, the size of which is determined by the population distribution based on the regular census [next one in 2006]. The constituencies would be established where appropriate at least as the whole Parish or a number of districts in the cases of the more populated ones – that is one tradition on which I am firm. I believe there is a stronger community connection for members to be elected as representatives linked to their Parish than some artificial larger assemblage of area. A referendum would confirm that.”*

I believe the number of constituencies should be a minimum of 17 as follows –

*St. Helier        4 (rather than 3 as now)*  
*St. Saviour      2 (or 3 as now)*

<i>St. Brelade</i>	2 (as now)	
<i>St. Clement</i>	1(or two in future)	
<i>St. Lawrence</i>	1	
<i>Grouville</i>	1	
<i>St. Peter</i>	1	
<i>St. Ouen</i>	1	
<i>St. Martin</i>	1	
<i>Trinity</i>	1	
<i>St. John</i>		1
<i>St. Mary</i>	1	

This would result in most districts, based on *vingtaine/cueillette* boundaries, having only one or 2 members, with St. Helier's districts having 3 members each. The issue of appropriateness of current electoral 'district' boundaries was not raised by the Clothier Panel as they made their recommendations on the basis of existing ones (Appendix E on page 56). However, my understanding is that this issue has arisen from time to time in certain Parishes. My opinion is that, given St. Helier already has 4 districts for the purpose of electoral roll, though numbers 3 and 4 are combined for the election of Deputies to the States of Jersey, in future there should be 4 electoral districts to make for better, more even representation. Whether St. Saviour and St. Clement should be adjusted based on current or projected population distribution and geographical realities is for another day.

With reference to the Special Committee's position described in R.C.25/2004 and now in P.151/2004, paragraph 6.17, I do not agree that "the present system is unsustainable". While I agree that the present differentiation in level of representation in some cases is unacceptable, that can be rectified as I am proposing. As has been confirmed in recent days by Parish officials, the number of persons on electoral roles is a moving target and neither that nor the number of residents per member will ever lead to a 'mechanical exactitude' when compared to average numbers across the Island or the parish. I believe that my proposals bring us to a 'near enough' position that will allow for normal fluctuations over time.

I understand the intentions of the Clothier Panel in raising certain matters in Chapter 2, The Electorate, which have not been fully addressed to-date and I believe these must be considered again either by the Privileges and Procedures Committee or by the *Conseil des Connétables*, or preferably both in unison, at the time of the review of the appropriate legislation following the outcome of this debate. At the very least, the States of Jersey Law 200- as enacted will need to be amended at Schedule 1(Article 4(2)).

### **Members of the States of Jersey should be titled Deputy/Député**

In my response to R.C.25/2004, I made the following comments –

*"I believe there should be one class of Members, as tabled in P115 and the proposed amendments by Senator Len Norman, except the class should be 'Deputy', which has a much longer pedigree and is more meaningful culturally than 'Senator' [and not because I am a Deputy!]. We do not have a constitutional Senate or upper-house. I believe Guernsey chose 'Deputy' for these same reasons."*

Reaffirming the point, and contrary to the view of the Deputy for St. Martin, the States of Jersey Assembly is not a Senate, or part of a bi-cameral arrangement; it is a legislature and much more akin to a 'house of representatives' or a 'national assembly'.

Considering the position of the Special Committee on this issue, summarised in paragraph 6.21 of P.151/2004, it is most unfortunate that after all their collective deliberations and consultation it concludes more is required!

Let us then address a principle: to determine whether members would prefer to have a prefix title or a suffix abbreviation to their name. Traditionally in Jersey, formal communication with regard to Jurats, Advocates, Connétables, Senators and Deputies has been to use the appropriate form of address. Unlike certain parliaments, we do not apply any 'honourable' prefix whether friendly or not! We have, instead, our own tradition, which in this case I would prefer to see maintained and associated with the Parish I represent. If, however, the preference is to dispense with the title and move to an abbreviation as proposed by the Clothier Panel, with which I didn't have

a particular argument, then in association with MSJ (Member of the States of Jersey), or some such abbreviation, one would have to determine how members would be addressed during debate and other proceedings of the Assembly? There will presumably be the title going with the role of Minister and other similar established positions.

Perhaps the compromise might be to have both – retain the title Deputy/Député for domestic usage and apply an abbreviation for external purposes such as MSJ. In conclusion, we must not be in any way pretentious or precious about this; rather, we need to determine what is seen to be generally acceptable and meaningful given our heritage and members' future role in the community. Standing as with respect has to be earned.

### **Financial and manpower implications**

Based on the figures provided by the Special Committee and earlier estimates by the Finance and Economics Committee, I estimate the reduction in number of members by 16 will be equivalent to a reduction in direct outgoings per annum of the order of £620,000 (2004) together with consequential reduction in costs of providing support services in various departments and the Greffe.