

STATES OF JERSEY



DRAFT STATES OF JERSEY (MISCELLANEOUS PROVISIONS) LAW 201- (P.176/2010): THIRD AMENDMENT

**Lodged au Greffe on 4th January 2011
by Senator S.C. Ferguson**

STATES GREFFE

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PAGE 16, ARTICLE 2 –

In paragraph (1), in the inserted Article 6A –

- (a) in paragraphs (1)(a) and (2) for the words “4 Senators” substitute the words “6 Senators”;
- (b) in paragraph (3) for the words “Four Senators” substitute the words “Six Senators”.

Note: if this amendment is adopted, the Chairman of the Privileges and Procedures Committee would not be able to propose Articles 3, 4 and 5 of the draft Law.

SENATOR S.C. FERGUSON

REPORT

This amendment is proposed to enable members to consider carefully if they have considered the full implications of the reforms proposed by the Privileges and Procedures Committee in their original proposition. The underlying thrust of that reform is to have a smaller number of members of the Assembly, a sentiment originally put forward by Clothier. This may seem reasonable but it is the implications of the proposed changes on the heritage of the Island that are concerning and the collateral damage which it would cause.

The Parish system is one of the strengths of the Island and is to be cherished. Once the number of Senators is reduced then the way will be wide open to removing the Connétables. It is said that, with the redistribution of the available seats, the Connétables will be able to stand in their Parishes. The question is, what happens if they stand and are not elected? Will the Parishes be prepared to give them equity and pay them the same salary as their contemporaries who are in the States? What happens if some Parishes agree and some do not? If the non States Connétables are paid, what will be the effect on the Honorary Police and the Honorary system in general?

There is also the question of the distribution of Members. Will the Parish of St. Mary have 2 representatives in the States or will the next step be the creation of large constituencies and the complete undermining of the Parish system?

The excellent research by the Privileges and Procedures Committee highlighted the fact that Islanders wanted to retain the all island vote. The reforms proposed ignore this wish. Islanders also wanted to retain the Connétables and are not in favour of cutting the ties with the Parishes or of large constituencies.

Comments from the public have been quite explicit –

“: the number of Senators should absolutely not be reduced from 12 to eight. We need a solid and substantial bloc of members whose mandate is Island-wide and whose vision and interest is both Island-wide and international where appropriate. 12 is the correct number. Eight is too few in comparison with the large number of Deputies, whose first priority is to their parishes or electoral districts. If the number of Deputies were also to be reduced by a third (which actually is quite an appealing prospect, but that is another matter) then this might make sense, but as things stand, it does not.”.

In view of the fact that a census is to be held in 2011 then it would seem sensible to refrain from reform of numbers until those results are evaluated.

Much has been made of the concept of a General Election. It has been overlooked that there are forms of General Election other than those perpetrated in the United Kingdom. In their wisdom our ancestors established a system of government whereby only 6 of the Senators were elected at any one time. This gives a considerable degree of stability and continuity to the political system. In the United States, which had the advantage of being able to design a form of government, indeed a country, from scratch, Senators are elected for a 6 year term: one third are elected every 2 years. The House of Representatives stands for election every 2 years. Our existing system would, therefore, appear to owe more to the US than the UK system. It is, however, reasonable to assume that when Islanders expressed a preference for a General

Election they were thinking in terms of the UK system as the alternative of an American system had not been suggested.

It was considered that an all island election for every member of the States would produce an incredibly cumbersome ballot paper. However, the difference between an election for 12 or for 8 Senators would not be excessive.

Financial and manpower implications

There is no additional cost as this amendment merely retains the current number of members. The potential saving that will be foregone is the cost of 4 States Members – approximately £173,000 a year. There are no manpower implications.