

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: REFORM – PROPOSAL 1

Lodged au Greffe on 2nd August 2013
by Senator P.F.C. Ozouf

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) that the Assembly should be comprised of 44 members, comprising 12 Connétables and 32 Deputies;
- (b) that the office of Senator should be abolished;
- (c) that the Deputies would, under the new structure, have a much more wide-ranging role than Deputies in the current Assembly;
- (d) that the proposed new 6 large areas will replace the current Schedule 1 to the States of Jersey Law 2005, as follows –

DEPUTIES' CONSTITUENCIES

<i>Constituencies</i>	<i>Number of Deputies to be returned</i>
District 1: Vingtaine du Mont Cochon, Vingtaine du Mont à l'Abbé, Vingtaine de Haut du Mont au Prêtre and Vingtaine du Rouge Bouillon, in the Parish of St. Helier.	6
District 2: Cantons de Bas et de Haut de la Vingtaine de la Ville, and Vingtaine de Bas du Mont au Prêtre, in the Parish of St. Helier.	6
District 3: Parish of Grouville, Parish of St. Clement and Parish of St. Martin.	5
District 4: Parish of St. Saviour and Parish of Trinity.	5
District 5: Parish of St. John, Parish of St. Lawrence, Parish of St. Mary and Parish of St. Ouen.	5
District 6: Parish of St. Brelade and Parish of St. Peter.	5

- (e) that the Connétables should be placed on the same legal basis as Deputies if they remain in a reformed Assembly;
- (f) that in an Assembly of 44 members, the maximum number of Ministers and Assistant Ministers shall be 19;
- (g) to request the Privileges and Procedures Committee to bring forward for debate legislative changes to enable the foregoing in time for the 2014 elections with the new structure of 44 members being effective from the date of the swearing-in of the new members elected in these elections.

SENATOR P.F.C. OZOUF

REPORT

Over the past 12 years there have been numerous proposals to reform the membership of the States.

The latest proposal, put by the Electoral Commission, was put to an Island-wide Referendum.

Across the Island, 16,624 people cast their vote for one of the 3 options.

In the first round of the ballot –

- 39.59% voted for Option A
- 40.93% voted for Option B
- 19.48% voted for Option C.

First round by parish

Parish	Option A	Option B	Option C	Spoilt paper
Grouville	475	562	264	9
St. Brelade	956	957	377	31
St. Clement	728	695	253	9
St. Helier	1,760	932	452	30
St. John	179	348	169	4
St. Lawrence	396	434	259	12
St. Martin	286	551	236	11
St. Mary	124	192	165	2
St. Ouen	280	505	272	12
St. Peter	341	486	225	10
St. Saviour	857	749	318	20
Trinity	199	393	249	5
TOTAL	6,581	6,804	3,239	155

Because none of the options received more than half the votes cast, the ballot papers from Option C (which received the fewest votes across the Island) were redistributed between Option A and Option B where voters had indicated a second choice on their ballot paper.

With Option C's ballot papers redistributed –

- 45.02% voted for Option A
- 54.98% voted for Option B.

Second round by parish (with second choices added)

Parish	Second Preference			Final total	
	Option A	Option B	None	Option A	Option B
Grouville	7	148	109	482	710
St. Brelade	22	152	203	978	1,109
St. Clement	0	141	112	728	836
St. Helier	40	154	258	1,800	1,086
St. John	5	82	82	184	430
St. Lawrence	12	113	134	408	547
St. Martin	6	107	123	292	658
St. Mary	4	48	113	128	240
St. Ouen	7	121	144	287	626
St. Peter	4	89	132	345	575
St. Saviour	14	123	181	871	872
Trinity	5	108	136	204	501
TOTAL	126	1,386	1,727	6,707	8,190

Whilst the Referendum was won by Option B, when the States voted to enact the option preferred by the majority of voting Islanders, the States voted against the principles of the proposed legislation, effectively cutting short a debate that could have occurred on alternatives.

This is how members voted –

POUR: 21

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator A.J.H. Maclean
 Senator I.J. Gorst
 Senator P.M. Bailhache

Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Lawrence
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour

CONTRE: 28

Senator A. Breckon
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Senator L.J. Farnham

Connétable of St. John
 Deputy R.C. Duhamel (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy J.A.N. Le Fondré (L)

POUR: 21 cont'd.

Deputy S.S.P.A. Power (B)
Deputy E.J. Noel (L)
Deputy J.P.G. Baker (H)
Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Peter

CONTRE: 28 cont'd.

Deputy of Trinity
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)
Deputy of St. John
Deputy J.H. Young (B)
Deputy of St. Mary
Deputy R.J. Rondel (H)

ABSTAIN: 1

Connétable of St. Clement

ABSENT DUE TO ILLNESS: 1

Connétable of Grouville

To achieve a majority, at least 26 members are required to vote in favour of an option.

Clearly, whilst it would be desirable to get a proposition that would be acceptable to all States members, that is unlikely to be achievable.

Why is reform needed?

Many Islanders have expressed to me that the Referendum result should not have been ignored.

There is frustration and exasperation with the time and expense taken up by States reform debates, instead of tackling the important political issues such as the economy, jobs, health and housing, and many Islanders are of the view that doing nothing is equally unacceptable.

However, neither can we afford to 'sleep-walk' into the October 2014 election with an unformed system.

Some reforms have been achieved. However, each of these reforms taken separately have consequences.

- Reducing the importance of the senatorial mandate by reducing the number of Senators to 8 from 12. With voters using on average 4.5 votes for a 6 seat senatorial election, there is real concern over the democratic legitimacy of the Senators elected in positions 7 and 8.
- Moving to a 4 year term, which meant it is impractical to elect 6 Senators every 3 years. Many of the voters who supported Option C have expressed the view that they actually want a return to 12 Island-wide seats. However, this is not what is going to happen.

- Moving to a single Election Day which attempts to elect 8 Senators, 29 Deputies and 12 Connétables all on one day. The focus will be on the 8 Senators, and with so many elections and candidates, this runs the risk that other candidates will not face a proper test.
- Leaving the current system of electing 29 Deputies in the existing districts unchanged. The current distribution of deputorial seats is unchanged from 1947, and this is unfair. Amongst other things, it is wrong that some people have 4 votes when others have only one.

A further window exists to agree reform before next year's elections

The States could agree reforms before the end of the year. After that it will be legislatively and practically impossible to achieve change.

A constructive way forward is needed. Both sides of the middle ground of States members need to come together and find a solution.

I believe that we need to do all we can to heal the visceral 'Town versus Country' divide.

Deputies A.K.F. Green and T. Pitman of St. Helier both put forward amendments in the last debate – which were never debated. Deputy Green added a whole extra 5 seat St. Helier constituency and Deputy Pitman proposed 7 seats St. Helier districts.

Whilst it is possible to argue against the integrity of the mathematics used, there is a strongly held view that an unamended Option B means that St. Helier is under-represented in the new Assembly.

A compromise, designed to bring both sides together, which respects the wishes of the vast majority of Island voters who wanted Option B in 11 Parishes, but also respects the concern of St. Helier residents who voted against Option B, **is to add an extra Deputy in each of the St. Helier districts.**

This proposition attempts to achieve all that 11 out of the 12 Parishes wanted, and also a constructive way forward for St. Helier.

I will provide further analysis on the arguments for the extra Deputies in a further addendum to this report.

Financial and manpower implications

If the size of the Assembly is reduced by 7 members, there could be a financial saving of just over £310,000 per annum as less remuneration would be payable. There are no direct manpower implications arising from these changes, although the Electoral Commission expressed the view that a smaller Assembly would operate more effectively and this could lead to indirect savings of officer time across public administration.