

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: REFORM – PROPOSAL 1 (P.93/2013) – AMENDMENT

Lodged au Greffe on 3rd September 2013
by Senator L.J. Farnham

STATES GREFFE

COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: REFORM –
PROPOSAL 1 (P.93/2013) – AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

Delete paragraph (a) and substitute the following –

“(a) that the Assembly should be comprised of 45 members, comprising 6 Senators, 12 Connétables and 27 Deputies;”.

2 PAGE 2, PARAGRAPH (b) –

Delete paragraph (b) and renumber the following paragraphs accordingly.

3 PAGE 2, PARAGRAPH (d) –

Delete the Table in paragraph (d) and substitute the following Table –

“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. | 4 |
| District 4: Parish of St. Saviour and Parish of Trinity. | 4 |
| District 5: Parish of St. John, Parish of St. Lawrence, Parish of St. Mary and Parish of St. Ouen. | 3 |
| District 6: Parish of St. Brelade and Parish of St. Peter. | 4 |

”.

4 PAGE 3, PARAGRAPH (f) –

Delete paragraph (f) and substitute the following –

“(f) that in an Assembly of 45 members, the maximum number of Ministers and Assistant Ministers shall be 20;”.

5 PAGE 3, NEW PARAGRAPH (g) –

Insert the following new paragraph (g) and renumber the remaining paragraph –

“(g) to agree that the Chief Minister should only be selected from amongst members with an Island-wide mandate, namely Senators.”.

SENATOR L.J. FARNHAM

REPORT

For the avoidance of repetition I will (try) not (to) include items covered in the reports of P.93/2013 and P.94/2013, together with the information tables contained therein.

On 7th March 2012 the States of Jersey agreed terms of reference for the Electoral Commission that provided for the Electoral Commission to consider the following areas –

- classes of States member
- constituencies and mandates
- number of States members
- terms of office,

and all other issues arising in the course of the work of the Commission which are relevant to the needs stated above.

In October 2012 the Electoral Commission published its Interim Report on the reform of the States Assembly. The provisional conclusions set out included the following principles –

- All electors should have the same number of votes
- Constituencies should as far as possible be of equal size
- A Candidate should generally require a significant number of votes in order to be elected to the Assembly
- The electoral system should be simple, fair and easy to understand.

The question raised by the Election Commission to retain Connétables, which I support, manifested itself in the proposition (P.64/2013) brought by the Privileges and Procedures Committee (PPC) but which renders at least 3 of the above principles unachievable. However, it is in line with these principles that my amendment seeks its compromise and objective. The amendment also aligns itself to the other key recommendations of the Electoral Commission, namely –

- The Island should be divided into 6 large constituencies or districts
- All States Members should be elected at a General Election to serve a 4 year term of office.

Under this amendment –

- All voters can elect a similar number of States members
- All voters can elect more representatives to the States Assembly
- Voter influence is greatly improved
- Voter equity is greatly improved.

The Island-wide mandate

The Electoral Commission also stated that; “A number of people remained concerned about the loss of the Island-wide mandate, and wanted more Senators and fewer Deputies. Some wanted to reduce the number of Deputies but to retain the parish connection for them”. Whilst accepting that, by adopting larger constituencies, the

Parish connection to the Assembly would be through the office of Connétable, the amendment seeks to redress the fact that the obvious wishes of the people to keep an Island-wide mandate for some members was largely ignored.

To refresh members' memories, on 20th January 2011 the States Assembly voted to reduce the number of Senators. Consequently, the number of Senators to be elected at the October 2011 election reduced from 6 to 4. The Assembly also voted in favour of a further reduction from 10 to 8 Senators for the October 2014 elections. In contrast to recent policy, the proposals to do this were not consulted upon with the people of Jersey by referendum or in any other way; and therefore all Islanders who were entitled to vote were significantly disenfranchised without their prior knowledge or consent.

Ironically, since making the decision to reduce the number of Senators, on 15th March 2011, the Assembly then agreed to establish an Electoral Commission (*see* P.15/2011 as amended), charged with examining the electoral system and to carry out a major independent review of electoral arrangements as a whole, thus recognising the need for complete electoral reform. This being in direct contrast to their decision, and the process followed, to reduce the number of Senators some 2 months previously.

It is my belief that the chain of events as outlined above led to the work of the Electoral Commission being inappropriately influenced by the fact that the States had already imposed upon it a reduction in one category of States Member – a belief that subsequently manifested itself in the proposition of PPC, P.64/2013, which proposed the complete abolition of the Island-wide mandate.

The importance of retaining an Island-wide mandate in our unicameral system is clear-cut. Of the 3 types of elected States Member – Senator, Deputy, and Connétable – the office of Senator is, by virtue of its Island-wide mandate, the most democratic and therefore the most accountable. In a system where 3 classes of representative preside in one Chamber, it is necessary that all areas of society and all levels of government are represented. In our case, the constituency interests are represented by the Deputies; the Parish and 'local Government' issues are represented by the Connétables; and the 'National Interest' by the Island-wide mandate in the office of Senator. The impartiality of the Senator is therefore important and necessary when dealing with cross-constituency issues or matters that may be in the whole Island's interests, but not necessarily in the interests of a Parish or District.

Failure to accept this would lead to a 'single class of member' system most closely associated to Clothier's recommendations, or Option A in the recent referendum, and this would almost certainly lead to calls for the establishment of a second Chamber.

The Chief Minister

A key concern for many electors is that the proposed 6 constituencies, without an Island-wide mandate, will mean that in future at least 5/6th (or 83%) of the electorate will NOT have had any influence in electing the next Chief Minister (or voting out an existing Chief Minister).

There have, in the past, been calls for all Ministers to be elected from the ranks of the Senators, but this would be impractical for obvious reasons, and could deprive the States of the skills and qualities of many Deputies and Connétables.

This proposition for the States to elect the Chief Minister from those returned as Senators may prove to be practical and sensible. Notwithstanding the fact that the pool of Senators may be reduced to 6 members, it should also be noted that the calibre of those returned by Island-wide mandate is generally of a high standard – a fact that is underpinned by the statistic that all Presidents of former Policy and Resources Committees and, subsequently, Chief Ministers, have been Senators.

Notwithstanding the importance of the impartiality of the office of Senator (and Chief Minister) it also means that the whole Island will have had the opportunity to have a say in who is ultimately selected by the Assembly to be Chief Minister – a principle worthy of the Assembly’s consideration.

The tables in the attached **Appendix** show the impact of this amendment in line with the proposals set out under Option B.

“Absolute equality of numbers is not used anywhere as a sole criterion for determining the size of legislative districts. Other criteria are taken into account. The most relevant to Jersey is respecting well-established boundaries between local government units and the community identities they represent. Also relevant is that many legislatures are bicameral and membership of the second chamber is often used to give ‘small states’ and other tiers of government a voice in the legislature. Jersey is unicameral and any such representation has to in the single Assembly” –

Lewis Baston, Electoral Systems Research.

Financial and manpower implications

If the size of the Assembly is reduced by 4 members, there could be a financial saving of approximately £180,000 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.

APPENDIX

Impact with 6 Senators

| District No. | Parish | Eligible Voters | Total Eligible Voters per District | Deputies | Connétables | Senators | Eligible representatives per district | Eligible voters per representative by district | % deviation from average |
|--------------|--|----------------------------------|------------------------------------|-----------|-------------|----------|---------------------------------------|--|--------------------------|
| 1 | St. Helier | 13,960 | 13,960 | 6 | 0.5 | 6 | 13 | 1,074 | 5.27 |
| 2 | St. Helier | 12,900 | 12,900 | 6 | 0.5 | 6 | 13 | 992 | -2.73 |
| 3 | St. Clement Grouville St. Martin | 7,170 3,870 2,970 | 14,010 | 4 | 3 | 6 | 13 | 1,078 | 5.64 |
| 4 | St. Saviour Trinity | 10,590 2,370 | 12,960 | 4 | 2 | 6 | 12 | 1,080 | 5.87 |
| 5 | St. Lawrence St. John St. Mary St. Owen | 4,280 2,280 1,340 3,200 | 11,100 | 3 | 4 | 6 | 13 | 854 | -16.30 |
| 6 | St. Brelade St. Peter | 8,590 4,010 | 12,600 | 4 | 2 | 6 | 12 | 1,050 | 2.93 |
| | Totals | 77,530 | 77,530 | 27 | 12 | 6 | 45 | 1,020 | |
| | Average(s) | | 12,922 | | | | 12.67 | 1,020 | 22.17% |

Impact without 6 Senators

| District No. | Parish | Eligible Voters | Total Eligible Voters per District | Deputies | Connétables | Eligible representatives per district | Eligible voters per representative by district | % deviation from average |
|--------------|--|----------------------------------|------------------------------------|-----------|-------------|---------------------------------------|--|--------------------------|
| 1 | St. Helier | 13,960 | 13,960 | 6 | 0.5 | 7 | 1,994 | 2.89 |
| 2 | St. Helier | 12,900 | 12,900 | 6 | 0.5 | 7 | 1,843 | -4.92 |
| 3 | St. Clement Grouville St. Martin | 7,170 3,870 2,970 | 14,010 | 4 | 3 | 7 | 2,001 | 3.26 |
| 4 | St. Saviour Trinity | 10,590 2,370 | 12,960 | 4 | 2 | 6 | 2,160 | 11.44 |
| 5 | St. Lawrence St. John St. Mary St. Ouen | 4,280 2,280 1,340 3,200 | 11,100 | 3 | 4 | 7 | 1,586 | -18.19 |
| 6 | St. Brelade St. Peter | 8,590 4,010 | 12,600 | 4 | 2 | 6 | 2,100 | 8.35 |
| | Totals | 77,530 | 77,530 | 27 | 12 | 39 | | |
| | Average | | 12,922 | | | 6.67 | 1,938 | 29.63% |