

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: REFORM – PROPOSAL 2

**Lodged au Greffe on 2nd August 2013
by Deputy T.M. Pitman of St. Helier**

STATES GREFFE

PROPOSITION

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

- (a) that the Assembly should be comprised of 46 members, comprising 12 Connétables and 34 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.	7
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.	7
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 46 members, the maximum number of Ministers and Assistant Ministers shall be 20;
- (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 46 members being effective from the date of the swearing-in of the new members elected in these elections.

DEPUTY T.M. PITMAN OF ST. HELIER

REPORT

'Equality and fairness are key elements of any truly democratic electoral system'

Background

This proposition proposing to reduce the Assembly to 46 Members has arisen primarily from the debacle of the recent Referendum on reform. A Referendum, of course, made a debacle purely by the weakness of a majority of States Members in allowing what had been voted for in 2011 to be a fully independent Electoral Commission – and thus free from political manipulation – to instead be hijacked by Senator Sir Philip Bailhache.

The not-fit-for-purpose 'reforms' that arose from this shambolic process – where no fewer than 3 politicians who are pro-retention of the Connétables were subsequently allowed to sit – let us not forget – has since led to an even more divisive propaganda campaign by those who, like it or not, were quite willing to wholly disenfranchise the people of St. Helier for no justifiable reason whatsoever.

Such discriminatory, vested-interest driven proposals should never have been allowed to go forward by the States, nor by any self-respecting jurisdiction claiming to be a democracy. Indeed, when considering this fact should it really be any surprise to us that 74% of the registered electors did not bother to vote? I suggest most definitely not.

Option B, it should never be forgotten – nor it be allowed to be glossed over by its supporters – made Jersey's already significantly imbalanced in favour of the smaller, country parishes political system even worse. Reform is meant to mean improving things. The false impression the public were spun however was that we either had to vote to retain the Connétables or have greater equality: the two apparently being irreconcilable. Add in deeply flawed questions and it was no wonder we got such a confused, unsatisfactory result and turnout.

Yet perhaps the saddest aspect of the whole Referendum debacle is the fact that there was absolutely no need to propose such flawed reforms. For, as I have twice demonstrated over the past year, we could have a system that allows us to retain the Connétables AND give the third of the population that reside in St. Helier the equality of vote which is obviously their right: a right that would be respected by any true democracy.

The proposal that both retains the Connétables and gives St. Helier equality of vote

This proposition, which calls for a reduced Assembly of 34 x Deputies and 12 x Connétables, does just this. And I submit it now simply to try and finally put the reform debate and the public disgruntlement with the impossibly flawed referendum proposals to bed – for a few years at least! Yet for now I believe it should be quite sufficient to focus on the following brief facts. It not only creates a far more equitable system than we have at present; it also retains the much-quoted ideals of reducing the size of the Assembly from its present number. It is also clearly based around the

concept of Option B – 6 x ‘Super-constituencies’ and an Assembly of just Connétables and Deputies. Surely this is worth a little compromise from all sides in itself?

Yet my proposition does even more.

- An Assembly of 46, as proposed, would enable the highly important ‘Troy Rule’ principle to be retained. Something that will prove nigh impossible with a reduction to a 42 x Member States Assembly – a point that was a major concern for many within the debate that rejected Option B. Indeed, the Assembly of 44 now being touted by Senator Ozouf will also fail to do this due to the number of new Ministers being called for.
- This slight increase from the rejected Option B number of 42 x members by 4 to 46 will also offer potential to even allow one Member to take on the role of Speaker should, as many feel inevitable, the need to achieve a full and true separation of powers (i.e. ending the dual role of the Bailiff as Head of both Judiciary and Legislature) come to be supported by a majority within the Assembly or be forced upon us by the United Kingdom and/or Europe.
- Finally, though I personally believe the argument about saving money by reducing numbers to largely be a red herring this proposal would still bring about a significant ‘saving’ in the region of £230,000 on the present system of 51. A saving that would also, I repeat, not bring the huge risks of undermining democracy and efficiency that the reduction to 42 or even 44 might.

Can all sides finally compromise or will we be debating reform for another decade?

Let me thus reiterate what I said in the original debate. Whether some of us think retaining the Connétables is the best system to benefit democracy or not, it is a valid position to argue. It cannot, however, be allowed to take precedence over advocating as fair and equally weighted a voting system as can be reasonably constructed. This proposal thus seeks to compromise by simply trying to correct, to a broadly reasonable degree, the democratic deficit that would be set against voters in St. Helier by retaining 12 Connétables within 6 large districts should we have adopted either the original Option B or Senator Ozouf’s current proposals.

Indeed, it cannot be left unsaid that the proposal being put forward by Senator Ozouf is nothing more than a propaganda sop: offered in the hope of slipping through proposals for an unfair system by sleight of hand. I ask Members to please not be taken in by this shallow ploy. It does not address the weight of vote disparity faced by the like third of the Island’s population residing in St. Helier in anything like the degree necessary. Of course, Senator Ozouf has been telling those who read his blog that this proposal (and the one from Deputy A.K.F. Green of St. Helier which advocated an additional 5 x seats for St. Helier) ‘goes too far’. This should be seen for what it is: nonsense and propaganda.

Surely equality of vote should be guaranteed for all and have no dependence at all on where one lives; country parish or urban? I thus ask Members to compromise as I have shown a willingness to do; and now lend their support to this proposal. In doing so quite possibly finally put an end to the divisive fallout from the failed Referendum

process and allowing us to move forward to other, more pressing issues impacting the Island.

A note on the graphs contained and why I initially used total population statistics instead of the 'Eligible' voters format utilised by the Electoral Commission

As I pointed out in the spring, the Commission's decision to opt for basing its proposals on 'eligible' voter figures within the 6 districts rather than total population gives a wholly misleading slant to the public in considering the fairness of the options put forward. Excuses that such consideration would have taken it 'outside' of its mandate were in my view entirely without merit.

The significance of this error is best highlighted by example of the fact that the Commission's approach conveniently knocked off some 6,632 people from the number of individuals that St. Helier Deputies and/or the single Connétable would in reality have to represent. I repeat, just 11 x representatives to 26,890 looks an awful lot better in seeking to sell the Commission's heavily imbalanced Option B proposals than 11 x representatives to 33, 522!

As I also pointed out, it is equally true that the Commission's use of 'eligible' voter figures would undeniably have been out of date long before the election of 2014 even comes about. Truth be told, they are out of date now. Young people have come of age to vote. Immigrant workers unable to vote then – even though paying tax – will have achieved such status.

Of course, far more important is the principle that all should be entitled to political representation regardless of age or being in the Island a full 2 years. Would any Member really turn away a request for assistance from such an individual? I certainly do not. I firmly believe the figures set out below which I used to demonstrate the unfairness of the original unamended Option B speak for themselves.

Nevertheless, to help Members consider the various pros and cons of this proposition – especially when viewed against the watered-down proposals offered by Senator Ozouf – I also include at the end of this report a number of charts and graphs utilising the eligible voter format to illustrate the hugely important impact of the proposals with regard to the best practice of the Venice Convention. These illustrate the original Option B; Senator Ozouf's current proposals; my own proposition discussed herein; and even a version examining the impact if one were to opt to take away a couple of Deputy seats from the undeniably over-represented District/Super-Constituency 5.

My sincere gratitude for these goes to local political activist for democracy Sam Mézec.

The impact of proposals under the original Option B using total population

<i>District No.</i>	<i>Parishes/Vingtaines</i>	<i>Total Population</i>	<i>Number of Representatives</i>	<i>Public Per Representative</i>
No. 1	du Mont Cochon du Mont à l'Abbé de Haut du Mont au Prêtre du Rouge Bouillon	17,543	5.5	3,189
No. 2	Bas de Haut du Mont au Prêtre Canton Bas de la Ville Canton de Haut de la Ville	15,942	5.5	2,898
No. 3	St. Clement Grouville St. Martin	17,850	8	2,231
No. 4	St. Saviour Trinity	16,736	7	2,391
No. 5	St. Lawrence St. John St. Mary St. Ouen	14,178	9	1,575
No. 6	St. Brelade St. Peter	15,571	7	2,224

As explained then the above imbalance can only be rectified by one method that I suggest would be both fair and politically acceptable. This is to offset the clear deficit faced by St. Helier residents due to the impact of retaining the Connétables by increasing the number of Deputies allocated by 4 to have 7 in each 'Super-Constituency' (district). Thus instead of 5 Deputies each (10 + 1 x Connétable to be shared) the 2 St. Helier districts would elect a combined total of 14 + 1 x Connétable (or 7 Deputies each plus a single Connétable between them).

All of the other 4 'Super-Constituencies) would elect 5 x Deputies + a Connétable each for however many parishes were contained within the 'super-constituency'. This would bring the districts reasonably into line with the other districts. St. Helier District 1 having a population to representative figure of 2,339 and St. Helier District 2 having a figure of 2,125.

Of course, it is true that District 5 (St. Lawrence, St. John, St. Mary and St. Ouen) will still remain significantly over-represented set against each of the others. However, without reducing their number of Deputies by at least 2 this anomaly probably necessitates acceptance in the interest of finally moving a reasonable compromise forward as described.

Still not a wholly perfect system it is acknowledged. But I repeat again: still definitely much fairer than the system unsuccessfully proposed by PPC on behalf of the

Electoral Commission; or that of the proposal being touted by Senator Ozouf. Isn't such a workable and moderate compromise worth supporting?

Graphs below illustrate the parity of vote variances relating to the Venice Convention and utilise 'eligible voters' format.

Original Option B

District	Parishes	Eligible voters	Number of States Members	Voters per D + C	% deviation from average
1	St. Helier No. 1	13,960	5.5	2,538	32.19
2	St. Helier No. 2	12,900	5.5	2,345	22.14
3	St. Clement Grouville St. Martin	14,010	8	1,751	-8.8
4	St. Saviour Trinity	12,960	7	1,851	-3.56
5	St. Lawrence St. John St. Mary St. Ouen	11,100	9	1,233	-35.78
6	St. Brelade St. Peter	12,600	7	1,800	-6.25
Total/ average		77,530	42	1,920	

Option B as amended by Senator Ozouf

District	Parishes	Eligible voters	Number of States Members	Voters per D + C	% deviation from average
1	St. Helier No. 1	13,960	6.5	2,148	+19.67
2	St. Helier No. 2	12,900	6.5	1,985	+10.58
3	St. Clement, Grouville, St. Martin	14,010	8	1,751	-2.55
4	St. Saviour, Trinity	12,960	7	1,851	+3.12
5	St. Lawrence, St. John, St. Mary, St. Ouen	11,100	9	1,233	-31.31
6	St. Brelade, St. Peter	12,600	7	1,800	+0.28
Total/ average		77,530	44	1,795	

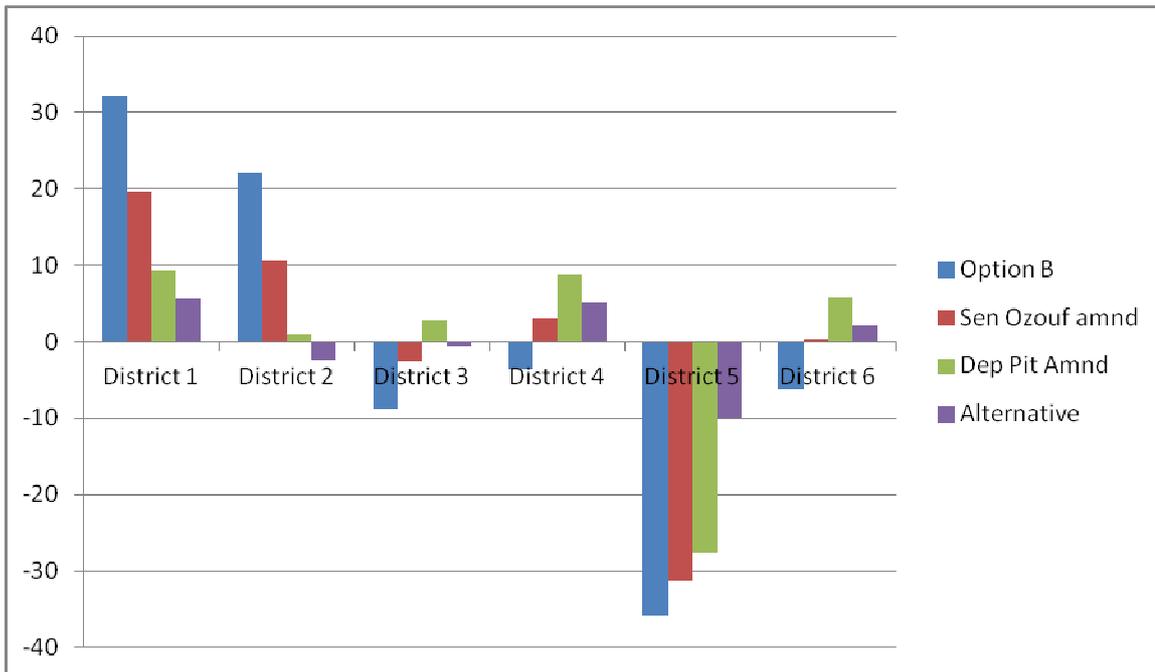
Option B amended by Deputy Pitman

District	Parishes	Eligible voters	Number of States Members	Voters per D + C	% deviation from average
1	St. Helier No. 1	13,960	7.5	1,861	+9.28
2	St. Helier No. 2	12,900	7.5	1,720	+1
3	St. Clement, Grouville, St. Martin	14,010	8	1,751	+2.82
4	St. Saviour, Trinity	12,960	7	1,851	+8.69
5	St. Lawrence, St. John, St. Mary, St. Ouen	11,100	9	1,233	-27.6
6	St. Brelade, St. Peter	12,600	7	1,800	+5.7
Total/ average		77,530	46	1,703	

Option B as amended by Deputy Pitman + taking away 2 Deputies from District 5

District	Parishes	Eligible voters	Number of States Members	Voters per D + C	% deviation from average
1	St. Helier No. 1	13,960	7.5	1,861	+5.62
2	St. Helier No. 2	12,900	7.5	1,720	-2.38
3	St. Clement, Grouville, St. Martin	14,010	8	1,751	-0.62
4	St. Saviour, Trinity	12,960	7	1,851	+5.05
5	St. Lawrence, St. John, St. Mary, St. Ouen	11,100	7	1,586	-9.99
6	St. Brelade, St. Peter	12,600	7	1,800	+2.16
Total/ average		77,530	44	1,762	

The above in graph format



Financial and manpower implications

There are no financial or manpower implications arising from this proposition seen against the present situation of 51 Members – the amendment actually leading to a reduction in costs of some £230,000.