

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: REFORM – PROPOSAL 4

Lodged au Greffe on 30th September 2013
by Deputy A.K.F. Green of St. Helier

STATES GREFFE

PROPOSITION

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

- (a) to agree that, from October 2014, the Assembly should be comprised of 47 members, comprising 12 Connétables, 7 Senators and 28 Deputies;
- (b) to agree that the 28 Deputies should be elected in 7 constituencies comprising a combination of whole parishes or, in the case of St. Helier, a district within the parish, as set out below –

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, and Vingtaine de Haut du Mont au Prêtre in the Parish of St. Helier.	4
District 2: Vingtaine du Rouge Bouillon and Vingtaine de Bas du Mont au Prêtre, in the Parish of St. Helier.	4
District 3: Cantons de Bas et de Haut de la Vingtaine de la Ville and Cantons de Haut de la Vingtaine de la Ville in the Parish of St. Helier	4
District 4: Parish of Grouville, Parish of St. Clement and Parish of St. Martin.	4
District 5 Parish of St. Saviour and Parish of Trinity.	4
District 6: Parish of St. John, Parish of St. Lawrence, Parish of St. Mary and Parish of St. Ouen.	4
District 7: Parish of St. Brelade and Parish of St. Peter.	4

- (c) to agree that in an Assembly of 47 members, the maximum number of Ministers and Assistant Ministers shall be 21;
- (d) to request the Privileges and Procedures Committee to bring forward for debate legislative changes to enable the revised composition to be in place in time for the 2014 elections with the new structure of 47 members being effective from the date of the swearing-in of the new members elected in those elections;
- (e) to agree that a referendum under the Referendum (Jersey) Law 2002 should be held on the day of the 2014 elections with a single Yes/No question to ask voters whether they agree that the Constables should remain as members of States Assembly as an automatic right and to request the Privileges and Procedures Committee to bring forward for approval the necessary Referendum Act to enable the referendum to take place.

DEPUTY A.K.F. GREEN OF ST. HELIER

REPORT

When the Electoral Commission issued its interim report R.110/2011 (Electoral Commission: proposed structure), it stated that it would consider, amongst other matters –

- Classes of States Member
- Constituencies and Mandates
- Number of States Members.

Discussions took place at the meeting when this report was presented to interested parties in the Town Hall and there seemed to be a strong consensus –

1. That all voters should be able to vote for the same number of representatives.
2. That the value of each vote should be, so far as is possible, similar, in line with the Venice Commission's recommendations.
3. That the number of States Members should be reduced.
4. That the Island should be divided into super-constituencies known as districts.

I believe with that no right-thinking person who supports democracy could argue that these objectives were anything other than fair and equitable. There could, of course, be debate on the precise number of States members and the type of member, but the principle of reduction is, I believe, accepted by the majority of Islanders and States Members.

However, when the final report was produced, the principle of equal value of votes was largely ignored in relation to St. Helier (it is accepted that St. Mary will always be the exception to this due to the low number of Parish residents).

PPC's proposition P.116/2013 (Composition of the States Assembly: interim reform for 2014 and referendum on further reform), whilst broadly correcting this, totally ignores the principle that all voters should be able to vote for the same number of representatives: this is equally wrong.

The Referendum

Islanders were asked by way of referendum their preferred make-up of the States: the choices were –

- A** Parish Constables will no longer be part of the States of Jersey.
- B** Parish Constables will continue to be part of the States of Jersey.
- C** No change, the current system will remain.

In both Options **A** and **B**, the Island is to be divided into 6 large districts, but unfortunately the make-up of these districts under Option **B**, for the electorate of St. Helier, fundamentally went against one of the main principles of fairness that the value of each vote should, so far as is possible, be similar, in line with the Venice

Commission's recommendations. The result of the referendum shows a clear divide between St. Helier and the country Parishes, which is hardly surprising given that Option **B** solved the inequity in the number of votes a voter can place for the country Parishes, but created a new disadvantage to the electorate of St. Helier of greater under-representation.

My own research informs me that most voters who took part wanted to maintain some Parish traditions and direct Parish links within the States, and saw the retaining of the Parish Constable in the States as the best way of achieving this. Furthermore, a considerable number in the smaller Parishes felt aggrieved at what they saw as the reduction in the value of their vote, which was in their view made worse by the previous reduction and subsequent total loss of the Senator. This view is supported by PPC in P.116/2013, where they state on page 4 of the report that "58% of those making submissions to the Commission wished to maintain or even enhance the number of members elected on an Island-wide basis", i.e. the Senators.

PPC's Proposal: P.116/2013

As indicated in my report above, it is clear that in attempting to correct one inequity (the under-representation of St. Helier), PPC have created an equally unacceptable new inequity ignoring the principle of each voter being able to cast the same number of votes.

It is clear that PPC are trying to position the make-up of the States into a place where further reform may take place in the future; and I believe that my proposal does this in a much more transparent and pragmatic way. Under my proposal, every voter will cast the same number of votes. Every district will have the same number of representatives and the Island mandate is maintained (Senators). However, from this platform reform will be so much easier to achieve: for example, the number of States members could be reduced simply by removing one representative from each district, be that Deputy or Constable (should that be desired), and any change in the number of Senators would be equally easy to achieve if required.

PPC's proposed referendum, as in the last referendum, really fails to ask the right question: the question of one category of member should in my view follow (if needed) after the fundamental question: "Should the Constables remain as members of the States?" Failure to ask this question clearly and outright will mean that no reform will ever happen. If the answer is yes to Constables remaining as members of the States, then reform can be developed around this; if the answer is no, then it is legitimate to ask: Is this the time to move to a single category of States member?

Conclusion

This proposal in my view maintains all the principles of the Commission's work: it respects the results of the referendum and other research, it is equitable to all, and allows for further easy reform in the future.

The Commission in my view attempted to rush their otherwise excellent work: they failed to 'put to bed' once and for all the question of Constables in the States. One could argue that Option **B** showed that the majority of voters wanted Constables in the States: this could be why **B** was successful, but the truth is, we don't really know. Therefore the referendum question must be "Should Constables remain as members of the States? YES or NO".

Financial and manpower implications

The reduction to 47 members would lead to a saving in members' remuneration of some £92,000 per annum compared to the proposed structure of 49 members already agreed for 2014. PPC has stated in P.116/2013 that a referendum held on the 2014 general election day would cost some £30,000.