

STATES OF JERSEY



REFORM OF THE COMPOSITION OF THE STATES ASSEMBLY (P.76/2023) – ADDENDUM

Presented to the States on 22nd November 2023
by Deputy M.R. Scott of St. Brelade

STATES GREFFE

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This Addendum expands on the Report accompanying P.76/2023 by providing relevant information that may assist the States Assembly in its consideration of the proposition.

Background terms of reference

When proposing the current arrangements, the former Privileges and Procedures Committee (the ‘PPC’) was guided by Recommendation 1 of the [2018 Commonwealth Electoral Observers Report \(CEOR\)](#) that the electoral system be revised to take into account:

- (i) the findings of the [2013 Electoral Commission Report \(ECR\)](#);
- (ii) the outcome of the Consultative Referendum; and
- (iii) Jersey’s obligations under international law related to elections.

The former PPC’s initial proposal to approve the removal of Constables’ voting rights in the States Assembly ([P.126/2019](#)), while also removing the office of Senator, was not approved by the former States Assembly. However, the former States Assembly did approve “fair representation and equality in voting weight and power across the whole population”.

The former PPC proposed the creation of constituencies (more in number than was proposed in the Consultative Referendum) to compensate for the inequality in voting population size across the different Parishes.

Paragraphs 5.1 and 5.2 of the ECR found:

- (a) the public strongly supported the concept of the Island-wide mandate;
- (b) 58% of those making submissions to the EC wanted the office of Senator to be retained; and
- (c) most of this 58% sought between 8 and 12 Senators.

The ECR stated as one of its key principles (paragraph 3.13) that ‘All members of the States should recognise that their main role in the Chamber is as a member of the Island’s ‘national’ parliament and that their task is to consider draft legislation and policies that affect the whole Island.’

The ECR findings therefore offer support to the PPC:

- (i) formulating proposals for the reinstatement of between 8 and 12 Senators (leaving at least 25 Deputies distributed amongst the existing constituencies); and

- (ii) in formulating those proposals, to minimise unnecessary/undesirable duplication of constituency roles for States Members.

This Proposition does not predetermine the number of Senators, leaving scope for PPC to:

- (i) minimise unnecessary/undesirable duplication of constituency roles for States Members; and
- (ii) adjust the distribution of Deputies and Constables among constituencies to improve equalisations of district population representation following the changes in Parish populations identified by the 2021 Islandwide census.

Cost considerations arising from duplication of constituency roles

Support for States Members to perform their services currently is funded by the taxpayer in several ways:

- (i) States members' salaries and pensions;
- (ii) Funding of the States Greffe which currently provides staff support for States Members:
 - (a) in both Islandwide and constituency roles (including assistance in research and drafting Propositions and Questions) through its Members Resource Team and Digital and Public Engagement Team (D&PE); and
 - (b) for States Members serving on Scrutiny Panels and other Panels and Committees, in the form of Scrutiny/Panel officers and D&PE; and
- (iii) Government of Jersey funding which provides staff support to States Members in Ministerial positions ,and those who are serving on the Planning Committee, whose officers also provide research support and assistance to States Members in matters of research and dealing with Constituents' concerns relating to Ministerial portfolios.

Support for Constables, in their roles that serve Parishioners across the Island, is provided by ratepayers. Offices in St Helier, outside its Parish Hall, are provided for States Members by the Greffe.

The cost of staffing the Greffe was reported in the [States Assembly Annual Report 2022](#) to be approximately £2.5 million pounds annually. The current cost of Scrutiny/Panel officer support staff is about £900,000 and the current cost of the current Member Resources Team is less than £300,000.

The current arrangements suggest a lack of proportionality between constituency and Islandwide role resourcing which needs to be scrutinised and challenged by the States Assembly on behalf of the public of Jersey in the context of:

- (i) paragraph 3.13 of the ECR (indicating that the main role of States Members is Islandwide);

- (ii) concerns raised by Jersey’s Fiscal Policy Panel with respect to government (including States Assembly) spending in its [November 2023 Annual Report](#) regarding insufficient funding of the Strategic Reserve;
- (iii) the [current growth bid of £344,000 per year in the Government plan 2024-2027](#) (pages 71-72 of the Annex) to increase Greffe staffing to provide dedicated support to States Members for constituency work (estimated on a trial basis of providing support to 3 out of the 9 constituencies and extending to management of inboxes and diaries), in response to proposals by the Chief Minister as a political measure to support ‘constituency offices’ or ‘constituency teams’ for each Deputy, in addition to other growth bids by the Greffe to support States Members in other ways;
- (iv) the [minutes of the Privileges and Procedures Committee dated 17th July 2023](#) approving the growth bids; and
- (v) the PPC’s response to [WQ.408/2023](#) regarding the rationale for providing additional resourcing to the States Members representing St Helier Central, St Helier North and Constituency No.1 (St Mary, St Peter and St Ouen).

The growth bid does not extend to any possible provision of physical office space outside the Parish of St Helier that might be sought by States Members in the future.

The Proposition allows PPC to give consideration to the organisation of States Members’ time between constituency roles and non-constituency roles to perform work with optimal efficiency, while avoiding imbalance and duplication. If PPC chose to do so, this could include a costs benefit or system analysis to optimise organisation and support of States Members’ work.

Other matters arising from the CEOR

Constituency size

Recommendation 1 also referred to Jersey’s obligations under international law, the CEOR referred to the International Covenant on Civil and Political Rights (ICCPR).

In [P.139/2020 Com \(2\)](#), the former PPC noted its proposals (which now form the basis of the current arrangements) still led to under-representation and over-representation in the different constituencies beyond the 15% variance (from average) limits recommended by the Venice Commission for the purposes of the ICCR.

The most extreme variations identified at the time were in St Helier North (33% under-representation from average) and Constituency No.1 combining the Parishes of St Mary, St Ouen and St Peter (22% over-representation above average).

The voting populations of Parishes were revealed in the Census to differ from those used in the former PPC’s calculations, in all but one case indicating a reduction in voting population.

The Venice Commission acknowledged the difficulty in dividing populations into voting districts and special cases are allowable in the case of small jurisdictions, such as Jersey. This is because their small size can merit unicameral parliaments (larger countries often have bicameral parliaments to split district and countrywide representation).

The results of the Consultative Referendum and ECR findings could be considered to indicate a voter preference to combine features of a bicameral parliament in one States chamber (retaining both Constables and Senators and necessitating the retention of Deputies to even out district voting populations).

Without such work having been performed by the PPC already, it remains questionable to what extent the PPC would be able to produce proposals that would not show variances in Constituency representation of more than 15%. Reliance on the ‘special case’ exemption for small jurisdictions is likely to continue.

Further Rationale for having three categories of States Members

The current PPC’s [comments on the main Proposition](#) indicate the former PPC proposed moving to two categories of States Member “to simplify the system”.

There was no recommendation in the CEOR that expressly sought the number of categories of States Member to be reduced from three.

There was a finding in the CEOR report, in the context of Recommendation 16, that ‘the complex voting system, with its varying number of options on different ballots, at times, created voter confusion.’ Recommendation 16 related to polling station management. A separate Recommendation (6), relating to the voter registration system, was that, if a review of the voter registration system is undertaken, the review should assess if active registration and the complex voting system act as barriers to greater political participation and representation.

Reports published in 2018 and 2022 do not indicate that the number of categories of States Members have created barriers to political participation and representation. The [2018 ComRes Report on Voter Engagement Research for States of Jersey](#) indicated that “*the main barriers to voting for those interviewed are a low confidence in the system of governing in Jersey, insufficient understanding of the system and candidates, a lack of connection with the issues under debate and, for a minority, logistical challenges in the process of voting itself.*”

While representation has a role in governance, representation is not the same as governance.

The [2018 Statistics Jersey 2018 Lifestyle and Opinions Survey Report](#) and the [2022 Statistics Jersey Lifestyle and Opinions Survey Report](#) found the main reason for adults not voting in either the 2018 and 2022 elections was the belief that voting makes no difference to government.

The [2022 Statistics Jersey Lifestyle and Opinions Survey](#) found that 30% of adults who did not vote in the 2022 election said voting would make no difference, 28% stated they did not trust the political system and 24% not being interested in the election. 17% said it was because they did not understand the political system.

Delivery/productivity of States Members and trust in their competency therefore appear to be key issues.

The Consultative Referendum and a subsequent referendum supported retaining Constables as voting members in the States Assembly. Most submissions to the ECR supported the retention of Senators. This indicates that voters have valued those who seek roles as Constables and Senators, in addition to Deputies, for their potential contribution to good governance and informed direction or challenge of the Island's executive government/civil service in Islandwide matters.