

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES: PROPOSED CHANGES (P.139/2020) – SECOND AMENDMENT

Lodged au Greffe on 29th October 2020
by the Connétable of St. Clement

STATES GREFFE

COMPOSITION AND ELECTION OF THE STATES: PROPOSED CHANGES
(P.139/2020 Amd.) – SECOND AMENDMENT

PAGE 1, PARAGRAPH 1 –

Delete paragraph (a) and substitute with the following paragraph –

- (a) to agree that it should establish an Assembly of 49 Members, elected from 14 parish districts, and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows –

<i>Constituencies</i>	<i>Number of Representatives to be returned</i>
St. Helier South Vingtaines de Bas et de Haut de la Ville, St. Helier	4
St. Helier Central Vingtaine de Rouge Bouillon, St. Helier Vingtaine de Bas du Mont au Prêtre, St. Helier	5
St. Helier North Vingtaine du Mont Cochon, St. Helier Vingtaine du Mont à l'Abbé, St. Helier Vingtaine du Haut du Mont au Prêtre, St. Helier	5
St. Saviour	6
St. Clement	4
St. Brelade	5
St. Mary	2
St. John	2
Grouville	3

St Martin	2
Trinity	2
St Lawrence	3
St Peter	3
St Ouen	3

CONNÉTABLE OF ST. CLEMENT

Note: After this amendment, the proposition would read as follows –

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

- (a) to agree that it should establish an Assembly of 49 Members, elected from 14 parish districts, and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows –

<i>Constituencies</i>	<i>Number of Representatives to be returned</i>
St. Helier South Vingtaines de Bas et de Haut de la Ville, St. Helier	4
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St. Helier North Vingtaine du Mont Cochon, St. Helier Vingtaine du Mont à l'Abbé, St. Helier Vingtaine du Haut du Mont au Prêtre, St. Helier	5

St. Saviour	6
St. Clement	4
St. Brelade	5
St. Mary	2
St. John	2
Grouville	3
St Martin	2
Trinity	2
St Lawrence	3
St Peter	3
St Ouen	3

- (b) that an independent Boundaries Commission should be established to begin work after the 2022 elections to make recommendations to ensure that the 9 districts remain compliant with the principles cited in paragraph (a), comprised of a Chair and 3 other members from outside the Island and of 3 Jersey residents, all with relevant skills and experience, and to request the Privileges and Procedures Committee to take the necessary steps to identify, through a process overseen by the Appointments Commission, the proposed membership of the Commission for subsequent approval by the Assembly; and
- (c) to request the Privileges and Procedures Committee to bring forward for debate the necessary legislative changes to alter the composition of the Assembly and create an independent Boundaries Commission in time for the 2022 elections.

REPORT

Published in December 2000, the Clothier Report is 20 years old, but its relevance is undimmed...

“The Electorate

We received much evidence to the effect that the electorate of Jersey has become apathetic, disenchanted with, and detached from its government. Electoral disinterest is a common feature of most modern democracies but seems more noticeable in Jersey than elsewhere. The belief of many of our witnesses was that electoral apathy sprang from a lack of confidence that voters could bring about any important change or indeed have any real influence on the way Jersey is governed. An alternative explanation is that the Island is so prosperous and the Machinery of Government so efficient that no one is concerned about it. None of our witnesses seriously offered this alternative.

The detachment of government from governed is dangerous for democracy.”

The latest performance of Jersey, languishing at the bottom of the table for ‘civic engagement’ amongst OECD nations, is evidence of further detachment and decline from the bleak picture painted above.

The Assembly must act. The bold new Guernsey system might break the rules and have its critics, but it did serve to reinvigorate their electoral process. Equally, Jersey needs to re-energise a flagging system and this amendment maintains the pathway to revitalisation is to be found in the unanimous conclusions of Sir Cecil and his panel of 9, (Appendix 1) which still speak to our situation today and still resonate.

“The Senators

We received no convincing evidence that there was a significant difference between the nature and content of the Senators’ role and that of the Deputies. In an island about 9 miles long and about 5 miles wide, with excellent communications, we found the distinction between Senators and Deputies less than plausible and in practice there is little difference in the contributions to debate of either category of representative. Nor can the Senators do anything which the Deputies cannot also do. They have no special privileges. Moreover, with one General Election and the same tenure of office for all Members of the States, the distinction will become even less sustainable. In an assembly intended to govern the whole island, every topic of debate should be of island-wide interest, not merely parochial, and should be the concern of every Member. But it is sensible that each representative should have a constituency of voters whose opinions may more easily be sampled and judged over a small area than a large one. And, of course, a constituency gives easy access to a representative for every citizen with something to say.

We recommend the abolition of the category of Senator and the substitution of 12 additional members of the States.

The Connétables in The States

...A few of our witnesses maintained that the Connétables were in the States because their parishioners elected them in the knowledge that this would automatically confer

upon them a seat in the States. The concomitant belief was that the Connétables were there to represent the particular interests of their Parishes on any topic coming before the States.

Our firm conclusion is that these comfortable beliefs are not borne out by the evidence. In the first place, the election to the office of Connétable is rarely contested. During the period of our review four new Connétables have been elected and a fifth re-elected, all of them unopposed. A respected individual who has held a post in the Parish administration, perhaps in the Honorary Police, emerges and it is not well-regarded in the Parish to oppose his (less frequently her) election.

We were impressed by the evidence of many of the Connétables to the effect that they placed their work in the Parishes at the head of their priorities and we were left with the impression that some of them felt somewhat uncomfortable with their position in the States. Indeed, an analysis showed that in general the Connétables asked fewer questions, introduced fewer propositions and spoke on fewer occasions than the Deputies for their respective Parishes...

...Many witnesses told us how busy the Connétables are in their Parishes and how excellent and useful was their work there. We believe that this role could be developed and its dignity enhanced. If it were, and if the position no longer carried with it the requirement to be part of the States Assembly, we believe that more candidates for the post of Connétable could well come forward.

Because they have no role in the States distinguishable from that of the Deputies, we recommend that the Connétables should cease to be ex officio members of the States. Of course, those Connétables who have the time and inclination could stand for election to the States, there being no conflict in the dual roles. They would then be truly elected by their parishioners to represent them in the States. We recommend, however, that those Connétables who are not elected to the States should nevertheless have appropriate access to the States on matters particularly affecting their Parishes. There exists already a Comité des Connétables, which should have a more formal consultative role with the States."

On increasing the island-wide election...

"We recognise that this is a rejection of the argument which was put to us for "Island-wide" elections. Such elections would, however, be characterised by unmanageable hustings and ballots confusing to the electorate and a weakening of the all-important link between members and their constituencies. In our view, a General Election based on the Parishes will have all the island-wide benefits which are so desirable without any of the disadvantages of the alternatives."

For such a seismic diagnosis the Clothier Report confines itself to 44 pages of well-reasoned, accessible, plain English. It's a very good read!

The recommendation for a 42 - 44 member Assembly (Appendix 2) is increased here to 49 to assist with the transition to this new and for some, difficult, departure.

It will result in a simplified system of one category of States Member and is highly likely to result in far fewer uncontested elections. Standing for election will be more attractive for candidates and participation more meaningful for voters. It, therefore,

successfully addresses recent recommendations of the *Commonwealth Parliamentary Association Election Observes Mission to Jersey*.

Admittedly imperfection lies in the variance of apportionment, (Appendix 3). The under 10% ideal and up to 15% allowable in 'exceptional circumstances' variance is vastly exceeded in a number of constituencies but taken as a whole the positives of this amendment outweigh such negatives.

The Clothier Report was of its time, ahead of its time, stands the test of time and as a consistent champion of its recommendations on electoral reform. I have waited a long time for it to come before the Assembly. I now take it upon myself so to do with this amendment to PPC's laudable attempt to make a long overdue progress.

The Parishes are the very basis of our social life, our cultural life and our political life. This amendment ensures that it is not diminished.

Appendix 1

Review Panel on the Machinery of Government in Jersey.

Membership Chairman Sir Cecil Clothier, KCB, QC
Sir Kenneth Bloomfield, KCB
Professor Michael Clarke, CBE DL
Mr. John Henwood, MBE
Dr. John Kelleher
Mr. David Le Quesne
Mrs. Anne Perchard
Mr. Colin Powell, OBE
Sir Maurice Shock

Appendix 2

The Clothier Report, December 2000

Analysis of Distribution of Seats in The States.

The following analysis shows a possible distribution of seats by Parish, based on a 42-member House and the 1999 electoral register.

A 44-member House could be readily achieved by adding two seats where indicated. The analysis produces a more even distribution of seats per elector that is achieved by the present system.

Appendix 3

Parish	Electors	Present House 29 Deputies	Electors per seat Including Constables	42 member house	Electors per seat
St Brelade	6,025	3 (2 districts)	1,506	5	1,205
St Clement	4,759	2	1,586	4	1,189
Grouville	2,925	1	1,462	2	1,462
St Helier	15,636	10 (3 districts)	1,421	13	1,202
St John	1,706	1	853	1 (+1?)	1,706
St Lawrence	2,902	2	967	2	1,451
St Martin	2,396	1	1,198	2	1,198
St Mary	1,060	1	530	1	1,060
St Ouen	2,307	1	1,153	2	1,153
St Peter	2,543	1	1,271	2	1,271
St Saviour	7,504	5 (3 districts)	1,250	7	1,250
Trinity	1,651	1	825	1 (+1?)	1,651
Total electors	51,414			Average	1,224

<i>Constituencies</i>	<i>Number of Representatives to be returned</i>	departure from the apportionment
St. Helier South Vingtaines de Bas et de Haut de la Ville.	4	-25%

St. Helier Central Vingtaine de Rouge Bouillon, Vingtaine de Bas du Mont au Prêtre.	5	-20%
St. Helier North Vingtaine du Mont Cochon, Vingtaine du Mont à l'Abbé, Vingtaine du Haut du Mont au Prêtre.	5	-14%
St. Saviour	6	-14%
St. Clement	4	-16%
St. Brelade	5	-6%
St. Mary	2	56%
St. John	2	27%
Grouville	3	19%
St Martin	2	5%
Trinity	2	21%
St Lawrence	3	9%
St Peter	3	16%
St Ouen	3	31%