

STATES OF JERSEY



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

Lodged au Greffe on 17th November 2020
by Deputy M.R. Higgins of St. Helier

STATES GREFFE

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

1 PAGE 2, PARAGRAPH (a) –

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

“(a) to agree that it should establish an Assembly of 49 Members, 37 elected from 9 districts, each choosing a number of representatives based on population, plus the 12 Parish Connétables, 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>
District 1: St. Helier South Vingtaines de Bas et de Haut de la Ville, St. Helier	5
District 2: St. Helier Central Vingtaine de Rouge Bouillon, St. Helier Vingtaine du Bas du Mont au Prêtre, St. Helier	5
District 3: 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
District 4: St. Saviour Parish of St. Saviour	6
District 5: St. Clement Parish of St. Clement	4
District 6: St. Brelade Parish of St. Brelade	4
District 7: Parish of St. Mary Parish of St. Ouen Parish of St. Peter	2
District 8: Parish of St. John Parish of St. Lawrence Parish of Trinity	3
District 9: Parish of Grouville Parish of St. Martin	3

DEPUTY M.R. HIGGINS OF ST. HELIER

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, 37 elected from 9 districts, each choosing a number of representatives based on population, plus the 12 Parish Connétables, and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows –

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- (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

“All animals are equal, but some animals are more equal than others.”

George Orwell, Animal Farm

I present this amendment very much as a St. Helier deputy, but also a democrat who wishes to see fair representation for all islanders, no matter where they might happen to live.

I fully acknowledge the underlying message of PPC who in their report accompanying [P.139/2020](#) state “progress on meeting international standards and adequately responding to the recommendations of the EOM can only be made if Members are willing to compromise.” Compromise is a consistent message of their report.

However, as I will explain, St. Helier (and St. Saviour) are being asked to compromise *too far* at the continuing expense of rural voters, who will continue to be vastly over-represented under the PPC model.

Many of us who support electoral reform, and who understand that fair representation cannot be achieved by keeping the **automatic** ex-officio role of Constable in the States are *already* being asked to compromise their principles in order to support this proposition.

However, when PPC say that “76% of the Assembly will comply with the Venice Commission recommendation that, ‘except in really exceptional circumstances’, the maximum admissible departure from the apportionment criterion should seldom exceed 10% and never be more than 15% (see Appendix)”, they are, I would suggest, playing fast and loose with the figures.

The fairness of seat distribution *must* also take into account the position of the Constables who will be *automatically* returned for all of the 12 Parishes. The problem is created because the likes of districts 7 and 8 will also be returning 3 Constables in addition to their 4 deputies, meaning that those areas each return a total of 7 representatives, whereas St. Helier districts will all be ‘sharing’ one Constable between them. The table below details this mismatch in representation:

District	Parishes	District Population	Percentage of total population	Ideal representation based on 49 members	PPC Representation including Constables
No.1	St Helier South	10,920	10.2	5	4.33
No.2	St Helier Central	13,140	12.3	6	5.33
No.3	St Helier North	12,480	11.7	5.7	4.33
No.4	St Saviour	14,820	13.9	6.8	6
No.5	St Clement	10,060	9.4	4.6	5
No.6	St Brelade	11,540	10.8	5.3	5
No.7	St Mary St Ouen St Peter	11,890	11.1	5.4	7
No.8	St John St Lawrence Trinity	12,460	11.7	5.7	7
No.9	Grouville St Martin	9,490	8.9	4.4	5
Totals		106,800	100	48.9	48.99

As can be seen, district No. 8 has the same population percentage as St. Helier North, at 11.70% of the total population. However, PPC's scheme means that the voters of district 8, combined, will return 7 members, whereas voters of St. Helier North would only return 4.33 (4 deputies and 'a third' of a Constable). This the gerrymander continues.

A similar inequity arises for St. Saviour. In the current assembly, St. Saviour has 6 representatives out of 41 of the Parish/district representatives. This equates to 14.6% of the Assembly (mathematically, they should currently have 5.7, so this is a good fit). Under the proposed PPC scheme, they should have 6.8 representatives (7 rounded to the nearest whole number), but they still only have 6. This is again so that country voters of districts No.7 and 8, in particular, can continue to be over-represented.

With this proposition, I am asking those members who think that the automatic right of the Constables to sit in the States to be a *deal breaker* to agree that this automatic right should not be at the expense of Islanders who happen to live in the urban districts. Fair is fair. If Parishes wish to keep their Constables, which I respect they do seem to want to do, they must be prepared to give up *some* of their Deputies.

After all, in successive Island Plans, urban residents have had to put up with increasing building density, industrialisation, traffic and pollution, all so that the countryside can be kept green and leafy. At least now have the decency to afford urban residents fair representation.

Financial and manpower implications

There are no financial and manpower implications arising from this proposition.

Re-issue Note

The reference to districts in the last paragraph of page 4, relating to the fairness of seat distribution taking into account the position of Constable, has been corrected to refer to districts 7 and 8 (whereas the original version had referred to districts 6 and 7 in error).