

STATES OF JERSEY

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COMPOSITION AND ELECTION OF THE STATES ASSEMBLY (P.115/2004): AMENDMENT

**Lodged au Greffe on 20th July 2004
by Senator L. Norman**

STATES GREFFE

COMPOSITION AND ELECTION OF THE STATES ASSEMBLY (P.115/2004): AMENDMENT

- (1) *In paragraph (a), after the words “to agree” insert the words “in principle”.*
- (2) *In paragraphs (a)(i), (ii), (iii), (iv), (v) and (vii), for the date “2005”, wherever it occurs, substitute the date “2008” and in paragraph (a)(vii) for the date “2009” substitute the date “2012”.*
- (3) *After paragraph (a) insert the following new paragraph –*
 - “(b) to agree that, before a final decision is taken by the States to implement the proposals, a referendum be held to seek the views of the electorate on the ‘in principle’ decision of the States in relation to the future composition and election of the Assembly, and to charge the Privileges and Procedures Committee to bring forward for approval the necessary Act in accordance with the provisions of the Referendum (Jersey) Law 2002 to enable the referendum to take place no later than Spring 2005”;

and renumber accordingly.
- (4) *In the original paragraph (b), after the words “for approval” insert the words “a proposition to ratify the ‘in principle’ decision on the composition and election of the States Assembly subsequent to the result of the referendum, and subsequently, if appropriate,”.*

SENATOR L. NORMAN

REPORT

I share the frustration and disappointment of the Deputy of St. Martin at the failure of the current Special Committee on the Composition and Election of the States Assembly to bring forward definitive proposals based on the terms of reference approved by the States on 26th March 2002 (P.26/2002), namely as follows –

- (a) *whether there should be changes to the existing composition of the States Assembly;*
- (b) *whether the constituencies of elected members should be amended and, if so, how;*
- (c) *whether the term of office of elected members should be amended and, if so, how;*
- (d) *how and when members should be elected to the States;*
- (e) *whether there should be a maximum level of election expenses for candidates standing for the States;*
- (f) *whether all candidates standing for election to the States should be required to produce a policy statement and, if so, how this should be defined and controlled;*
- (g) *whether a Chief Electoral Officer should be appointed by the States and, if so, what the duties of such an Officer should be;*
- (h) *whether there should be a central register of voters and, if so, how this should be defined and managed.*

The Deputy of St. Martin should be congratulated on meeting the first four and, arguably, the most important and significant of these terms of reference. I diverge from his proposals in only relatively minor matters.

I suggest that the implementation date should be delayed until 2008. This has a number of advantages –

- The terms of office of all current member of the States would be completed.
- Candidates offering themselves for election on an Island-wide mandate in 2005 would be aware in advance that their term would be for three years (until 2008).
- The ministerial system of government would have 3 years to imbed itself and sort out any “bugs”.
- Sufficient time would be provided to prepare and enact the necessary legislation.
- Sufficient time to hold the referendum and for the States to consider the result of that referendum would be provided.

A referendum on this issue is important. It is important, that is, if one believes in government for the people, by the people.

I accept the point that has and will be made that States members are elected to make decisions. That is true and fair. But this proposition is about how and who make decisions – it is about how and by whom we are governed. It is about the constitution of our government. That belongs not to the States, but to the people and the people must, in my view, have the right to express directly their opinion on the changes that we are to make regarding the manner in which they are governed.

The referendum cannot and should not be binding, but if a majority of those on the electoral role indicate a

preference one way or the other, it is inconceivable that the States would overrule that indication of public opinion. Should only a minority of voters indicate a preference, or the vote is inconclusive, I would expect members to make their own judgement.

There are no manpower implications as a result of this amendment. The financial implications are restricted to the cost of the referendum, estimated to be approximately £10,000. The savings in States members' income support and expenses will be delayed by 3 years.