

CONSTITUTION AND MEMBERSHIP OF THE STATES: REFERENDUM (P.183/2002) - COMMENTS

**Presented to the States on 5th November 2002
by the Policy and Resources Committee**



STATES OF JERSEY

STATES GREFFE

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Comments

Senator Le Claire has proposed that any constitutional change to the role of the Bailiff, or to the position of Senators and Connétables as members of the States, should not be implemented until and unless the proposed changes have been made the subject of a referendum. In this connection it should be noted that the legislation enabling the holding of a referendum is not yet in place. Although the States agreed on 18th June 2002 to approve the draft Referendum (Jersey) Law 2002, this Law is currently with the Privy Council, and it will not be possible to hold a referendum until such time that the new Law comes into effect.

Part (a) of the proposition is identical to the proposition on the “Constitution and Membership of the States” (P.147/2001) that was lodged “au Greffe” by Senator Le Claire in October 2001 and rejected by the States on 26th February 2002 by 27 votes to 19. Having given further consideration to this matter, the Policy and Resources Committee maintains the view that it expressed at the time of the States debate in February 2002. The Committee believes that the issues to which Senator Le Claire has referred in part (a) of his proposition are interrelated, and it does not believe that they can be reduced to a straightforward question requiring a ‘yes/no’ answer. This is not a single issue, such as the question of whether or not Britain should join the Common Market, and it would therefore be necessary to pose a series of questions. Many of the issues relating to the composition and election of the States Assembly are inter-linked, and the questions might therefore result in answers that were incompatible.

Insofar as part (b) of the proposition is concerned, the Committee has assumed that this relates to the proposal in the report and proposition of the Special Committee on the Composition and Election of the States Assembly (P.186/2002) that there should be a reduction in the number of Senators from 12 to 8. The Committee considers that it would be unwise to make piecemeal changes to the composition of the Assembly at this stage, and believes that any decision to reduce the number of States members should not be taken until after the introduction of the ministerial system of government. Any such decision would need to take into account the impact of the proposed changes on the workload of States members.

Senator Le Claire has raised the possibility of holding of a referendum on a reduction in the number of senators, and in this connection the Policy and Resources Committee concurs with the view of the Special Committee on the Composition and Election of the States Assembly, as expressed in its report and proposition on the ‘Machinery of Government: Composition and Election of the States Assembly’ (P.186/2002 - para. 12.2). In its report the Special Committee acknowledged that its recommendations, which include the proposed reduction in the number of senators, are *‘relatively minor changes to the current composition and election procedures rather than any major alteration, particularly with regard to the position of Connétables and the Island-wide mandate, (and) a referendum was not appropriate at the current time’*. The Policy and Resources Committee similarly believes that it would not be appropriate to hold a referendum on this matter.

The Committee opposes both parts (a) and (b) of the proposition for the reasons given above, and it therefore recommends that it be rejected.

The Policy and Resources Committee is actively considering other ways in which the public might be consulted in relation to the current debate on the composition and election of the States Assembly. A variety of options are available, including the use of opinion polls, response cards, and community workshops, and it is important that the views of the public are given full weight in these matters.

The Committee notes with regret that Senator Le Claire has declined an invitation to meet the Committee to discuss these matters further, and hopes that it will be possible to agree on a way forward that is acceptable to both States members and the public.