

# **STATES OF JERSEY**

**r**

## **COMPOSITION OF THE STATES: REFERENDUM**

---

**Lodged au Greffe on 22nd June 2007  
by Senator J.L. Perchard**

---

**STATES GREFFE**

## PROPOSITION

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

- (a) to agree that a referendum should be held to seek the views of the electorate on 4 options for the future composition of the States, namely –
  - (i) an Assembly comprised of the 12 Connétables and 36 Deputies elected on a Parish or constituency basis;
  - (ii) an Assembly comprised of the 12 Connétables and 36 Deputies elected in 6 new large electoral districts;
  - (iii) an Assembly comprised of 12 Senators elected on an Island-wide basis and 36 Deputies elected on a Parish or constituency basis;
  - (iv) an Assembly comprised of 48 Deputies elected on a Parish or constituency basis;
- (b) to charge the Privileges and Procedures Committee to bring forward for approval by the States, at least 2 months before a referendum is held in accordance with paragraph (a) –
  - (i) proposals regarding the precise boundaries and size of the proposed 6 large electoral districts;
  - (ii) proposals on the distribution of Deputies' seats to ensure an allocation of seats across the 12 Parishes that is as equitable as possible;
- (c) to agree that no proposals asking the States to agree the categories of membership of the Assembly should be debated until the result of the referendum referred to in paragraphs (a) and (b) above is known;
- (d) to charge the Privileges and Procedures Committee to bring forward for approval the necessary Act under the Referendum (Jersey) Law 2002 to enable the referendum to be held as soon as practicable;
- (e) to agree that, as soon as reasonably practicable, all 48 members of the States should be elected on a single general election day and for a common term of office of 4 years;
- (f) to charge the Privileges and Procedures Committee to consult as appropriate with Ministers and report to the States with recommendations on the feasibility of holding elections for the States in the Spring or early Summer.

SENATOR J.L. PERCHARD

## REPORT

I am reminded when reading Privileges and Procedures Committee's proposition P.75/2007 – "Composition of the States: revised structure and referendum", and indeed the amendment of Deputy Baudains, of the model T quote from Henry Ford –

**"You can have any colour you like as long as it is black".**

The prescriptive nature of Privileges and Procedures Committee's proposition and Deputy Baudains amendment without doubt denies the electorate a real choice. Whilst it is fair to say that both proposals offer a referendum, both offer only one option to the electorate.

I am of the opinion that the 'take it or leave it' options being proposed are doomed to fail, probably at the first stage, by not being approved by the States. However, in the unlikely event that the States should agree one of the options, I confidently predict further public disillusionment with this process, as the public would accurately feel they have been denied a real choice at a referendum.

A properly structured referendum aimed at reconnecting the people of Jersey with their government provides an opportunity that we should grasp with enthusiasm. I suspect that we will be seen and judged to have failed in our effort to reconnect government with the people we represent, unless there is provision for genuine and meaningful participation by the electorate in the referendum. This is why I feel driven to bring forward alternative proposals that provide the electorate with options. Options which I believe to be the most viable and the most popular. Options, that most importantly provide meaningful choice.

My proposition recognises and includes the option provided by the Privileges and Procedures Committee in their proposition P.75/2007, that a referendum be held to include the question that "an Assembly should be comprised of the 12 Connétables and 36 Deputies elected in 6 new large electoral districts". My proposition also recognises and includes the option provided in Deputy Baudains amendment that "an Assembly should be comprised of the 12 Connétables and 36 Deputies elected on a Parish or constituency basis". My proposition goes further and provides two additional choices to the electorate. Firstly that "an Assembly should be comprised of 12 Senators elected on an Island-wide basis and 36 Deputies elected on a Parish or constituency basis". Secondly that all 48 members, to be known as Deputies be elected by the parishes, with proposals firstly being agreed on the distribution of the 48 seats to ensure an allocation of seats across the 12 Parishes is as equitable as possible (as per Clothier paragraph 3.9.1 ). In reality, if approved, my proposition will provide for a referendum with 4 choices available to the electorate. I am in no doubt that the general public would have little problem in choosing their preferred option from a choice of 4. I also have every confidence in them making the correct choice.

I suggest that if any one of these options is favoured by members they should seriously consider supporting my proposition. By doing so they will permit the people of Jersey to participate in a meaningful decision making process, allowing them a real choice on how their government is constituted.

My proposition also asks the States to agree that, as soon as reasonably practicable all 48 members of the States should be elected on a single general election day and for a common term of office of 4 years. It also charges the Privileges and Procedures Committee to consult as appropriate with Ministers and report to the States with recommendations on the feasibility of holding elections for the States in the spring or early summer.

I will be requesting that the Assembly debate my proposition on the same day as the Privileges and Procedures Committee's proposition and Deputy Baudains' amendment, but importantly immediately after, as I believe that if theirs should fail, they, the members of the Privileges and Procedures Committee and Deputy Baudains, will be bound to support my proposition, as my proposition includes the option offered in their own proposals.

I congratulate the Privileges and Procedures Committee on the detail in their proposition P.75/2007 and indeed Deputy Baudains for his amendment, as both are conclusive pieces of work, skilfully put together and argued, but regretfully falling just short of what is required.

It now seems obvious that they have been driven and obsessed in their effort to arrive at a situation whereby the

terms of office of all members are managed to conclude on a single election day in 2011. Of course it would be desirable to arrive at a situation whereby the terms of office of all members are managed to conclude on a single election day in 2011. The addition of my paragraph (b) which requires the Privileges and Procedures Committee to prepare and lodge, at least 2 months before a referendum is held, proposals regarding the boundaries and size of the proposed 6 large electoral districts, and on the equitable distribution of Deputies' seats across the 12 Parishes, will undoubtedly add some months to the process, and this will therefore mean that the existing time targets of the Committee may not be met. However, I argue that it is more desirable and far more important that we ensure that any reform of the make up of the Assembly is undertaken in a measured and a publicly acceptable manner, with the final choice being offered clearly to the people of Jersey.

### **In Conclusion**

Members will be well aware that there has been, and still is, much debate and disagreement on this subject, not only amongst their colleagues in the States but amongst islanders in general. Super constituencies, parish representatives, Island wide mandate, Connétables in, Connétables out, Senators in, Senators out. So many questions, so many opinions. I offer to members one opinion with complete confidence, that is, there will be enormous dissatisfaction with the States if a referendum is tabled that offers only one option. We can and must do better than the Privileges and Procedures Committee's proposal and the Baudains amendment. I say to members and the voting public –

**“You can have any colour you like, including black”.**

### **Financial and manpower implications**

I do not believe that there will be significant financial or manpower implications attached to this proposition. However, part (b) will undoubtedly require extra work for the States Greffe as there will be an urgency to produce proposals regarding the precise boundaries and size of the proposed 6 large electoral districts, along with separate proposals on the distribution of 36 and 48 Deputies' seats to ensure an allocation of seats across the 12 Parishes is as equitable as possible before a referendum is held. The cost of a referendum is estimated at approximately £15,000.