

STATES OF JERSEY

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MACHINERY OF GOVERNMENT REFORM: COMPOSITION AND ELECTION OF THE STATES ASSEMBLY (P.151/2004) – AMENDMENTS

Lodged au Greffe on 28th September 2004
by the Deputy of St. Martin

STATES GREFFE

MACHINERY OF GOVERNMENT REFORM: COMPOSITION AND ELECTION OF THE STATES
ASSEMBLY (P.151/2004): AMENDMENTS

- (1) *In paragraph (a)(iv), delete all the words after the words “a new category of States member” and substitute the words, “with 42 such members being elected in the 12 Parishes in the following numbers –*

St. Helier	12 members (4 for each of the present electoral districts)
St. Saviour	6 members (2 for each of the present electoral districts)
St. Brelade	4 members
St. Clement	4 members
All other Parishes	2 members”.

- (2) *After paragraph (a)(iv) insert the following new paragraph –*

“(v) The new category of States member referred to in sub-paragraph (iv) above should be known as “Senator”.”

DEPUTY OF ST. MARTIN

REPORT

On 15th June 2004 I lodged P.115/2004, Composition and Election of the States Assembly. The Proposition sought States approval to implement many of the proposals put forward by the Clothier Panel in 2001. All my proposals were to take effect from December 2005. As time was of the essence I twice unsuccessfully sought for an early debate.

On 14th September, 3 months after I had lodged my Proposition, the Special Committee on the Composition and Election of the States Assembly lodged its Proposition P.151/2004. The Proposition contains some of the proposals and comments that are in my Proposition, P.115/2004. The notable exceptions being that their proposals should take effect from 2008, there should be 6 electoral districts and States membership should be reduced to 47. The Special Committee also seeks a referendum.

As a result of the States failure to allow my debate to go ahead the changes, if approved, were to come into effect for the 2005 elections, there is now no possibility of my Proposition being debated to ensure sufficient time for the necessary legislation to be drafted, approved by the States and sanctioned by the Privy Council.

As a consequence I have no option but to withdraw P.115/2004 and lodge my proposals by way of an amendment to P.151/2004.

Connétables should cease to be ex officio members of the States

I share this view as set out in the Special Committee's proposition. The Clothier Panel 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 the Panel was 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.

It is envisaged that the new States structure will place a heavier workload on States members. Therefore is also likely that some Connétables may well have difficulty in discharging both offices satisfactorily. There was evidence of excellent work being carried out by Connétables in their Parish and the Panel believed that the role of Connétable could be developed and its dignity enhanced if the position no longer carried with it the requirement to be part of the States Assembly. It was also believed that more candidates for the post of Connétable could well come forward.

I have sympathy for those Connétables who feel they would be in a position to discharge both roles. To allow for this eventuality I am of the opinion that each Parish, irrespective of its population, should have at least 2 representatives in the States. There will be a twin benefit because it will allow a Connétable if he/she so chooses to contest for the Office of Connétable and States member at the General Election. It also allows for the electorate to decide whether it wants its Connétable to have a dual function.

The Special Committee's Proposition creates difficulties for a Connétable to serve in the States. This is because their term of office will continue to be for 3 years and their date of election will continue to be held at various times throughout the electoral cycle. Unless their term of office and date of election coincides with the date of election for States members it will be very difficult if not impossible for Connétables to serve in both Offices.

Even if some or all of the Connétables are not also members of the States, I believe there is much to be gained from their term of office and election date coinciding with that of the States and I intend to bring a standalone proposition to ask the States to agree that the elections should be co-ordinated in this way. This point has greater importance given the States approval on 25th May 2004 of P.40/2004, Machinery of Government: Relationship between the Parishes and the Executive. If a Conseil des Connétables is established it would make sense for its cycle to run parallel to the States.

The number of members shall reduce from 53 to 42

The Clothier Panel recommended that the Assembly should consist of between 42 and 44 members. I believe that

42 members will be more than enough to ensure that the function of the Executive and Scrutiny is not compromised. The Special Committee is of the opinion that the initial reduction should be from 53 to 47. This will allow for the maximum number of members in the Executive to be 21 with the "Troy 10% gap rule" being 5. The "gap" will still be 5 with 42 members, although this will mean there can only be a maximum of 18 member in the Executive. I believe this is a sufficient number. There is a perception that there are too many States members, a reduction of only 6 will be seen as a token gesture. If a sizable reduction is not made now it will be many years, if ever, before it comes about.

Each Parish will be represented with at least 2 members

I accept there have always been discrepancies in the various constituencies and my proposals will not rectify the situation. However there are good reasons to continue with the Parish-based constituencies. The Clothier Panel was of the view that it is sensible that each representative should have a constituency of voters whose opinion might more easily be sampled and judged over a small area than a large one. I share that view.

To ensure there are at least 2 members per Parish, the Parish of St. Helier will see the present number of 10 Deputies increased to 12, 4 for each of the 3 districts. St. Saviour will increase to 6, 2 for each of the 3 districts. St. Brelade and St. Clement will both have their representation increased to 4. This is a slight variation from the Panel's recommendation. I accept there could be some debate regarding my proposal for St. Mary, St. John and Trinity to have 2 representatives each. These Parishes have had 2 representatives in the States since the introduction of the Deputies in 1856 and I see no reason for a reduction. As will be seen in (Appendix A) 7 Parishes have less than the average residents per member of 2,076. In most jurisdictions this ratio is very generous. The fact that the size of the electorate is below the average figure does not mean that the elected members are less capable. It is the quality of candidate and their percentage of the electorate's vote that is relevant, not the quantity of the electorate. Recent voting patterns show that although Deputies elected in the larger constituencies may have received a higher number of votes, their percentage of the electorate's vote was lower than many, if not most, of the constituencies with a smaller electorate (see Appendix B). In St. Mary, for instance, at the last election the losing candidate received 28.5% of the registered electorate's vote which was only bettered in 2 other Parishes and districts in the Island.

In the 1999 Senatorial elections (see Appendix C) it is of note that the candidate placed 6th only received votes from 33% of those voting, representing only 14% of the registered electors in the Island.

Much is made of the discrepancies in the existing constituencies, and my proposal may well add to it. However, Jersey still has strong Parish links, my proposal will not diminish, but will strengthen, those links. In supporting the proposed 6-district system, the Special Committee believes that without the larger constituencies being introduced, a sitting Deputy with strong Parish connections who has a senior position in the new system could be re-elected on a regular basis because of those local connections, even if his or her policies were unpopular across the Island, and this could enable members to "hide" from the electorate in small districts.

This may have been the case in the past, but I do not think that is so today. The electorate is much more astute. They are more concerned with what the candidate can deliver than the address from which he/she will do so. There is a noticeable increase in the number of Deputies who do not live in their Parish/district. It is also noticeable that fewer Country Parish Deputies are being elected having come through the ranks of the Honorary system. Many of the traditional Parish values and links are being eroded, however for Parishes to lose their traditional link with the States via their Parish representative is a step too far.

The removal of the Senatorial elections, will concentrate the minds of the candidates who will have to ensure they are closer to their electorate than is currently perceived. There is also a perception that States members are out of touch with the electorate. The introduction of the 6-district system will perpetuate that view.

All members shall be known by the same title, namely "Senator"

If the role of Senators is to end and if the Connétables are no longer ex officio members of the States this will be an ideal opportunity to create one class of States member. The Clothier Panel was of the opinion that the title of Deputy was inappropriate and confusing to the outside world with which Jersey must now deal. These members

do not deputise for anyone. The Panel recommended that a better and more readily understood title would be "Member of the States of Jersey" conveniently abbreviated to "MSJ." This is one area where I part company with the Panel. Very few people outside the Island know of the States of Jersey, therefore the abbreviations MSJ after one's name will be of little help. The title of Deputy is the English version of Député which is the title given to members of the French Parliament. Until recent times the French version was the formal title for Jersey Deputies. However, as we now use the English version as opposed to the French version it could be confusing.

The Assembly of the States of Jersey is the Island's supreme legislative and administrative Assembly. It is our Senate and people who are elected as members of a Senate usually assume the title of Senator. The title of Senator is a known and accepted one in the outside world. The title of Senator has been part of Jersey's political framework since 1948; I do not think it to be inappropriate for all members of the States of Jersey to assume that title.

Whilst The Special Committee seeks approval to abolish the present position of Senator and Deputy, it has not made any proposal as to what future members should be called. The Committee believes that this detail can be resolved following consultation and discussion if the general principle of a single category of member is accepted. The Special Committee has had 3 years to consider a title and it should have had the courage to bring forward a proposal. In P.115/2004 I proposed that all members should be called Senators. I believe that the States should determine the title at the same time as it debates P.151/2004.

Financial and manpower implications

It is difficult to assess the overall implications of this amendment at this stage. The proposals of the Special Committee, including the change to one general election, would save cost by avoiding the necessity of holding 3 separate elections as at present for Connétables, Senators and Deputies. In addition, the longer term of office would mean that election costs are incurred every 4 years instead of every 3. In relation to these amendments there are likely to be savings if the overall number of members is reduced from 53 to 42 (potentially up to some £429,000 per annum). If implemented in full, the proposals would be likely to lead to a saving rather than additional expenditure.

APPENDIX A**NUMBER OF RESIDENTS AND ELECTORS IN PROPOSED CONSTITUENCIES**

	Population 2001 Census	Electors March 2004	Proposed members	Residents per member	Electors per member
Bellevue	28,310	13,750	12	2,359	1,146
Lawrence	4,702	3,001	2	2,351	1,501
West	4,293	2,538	2	2,147	1,269
Delade	10,134	6,268	4	2,534	1,567
Wen	3,803	2,261	2	1,902	1,131
Henry	1,591	1,096	2	796	548
John	2,618	1,664	2	1,309	832
City	2,718	1,733	2	1,359	867
Martin	3,628	2,348	2	1,814	1,174
ville	4,702	2,933	2	2,351	1,467
aviour	12,491	6,548	6	2,082	1,091
lement	8,196	4,621	4	2,049	1,155
TOTALS	87,186	48,761	42		
Average				2,076	1,161

RESULTS OF DEPUTIES ELECTIONS 2002

Candidate	District	Votes	% of voters voting	% of registered electors	
Hilton	St. Helier No. 3	1,359	62.1	20.8	Elected
Huet	St. Helier No. 3	1,289	58.9	19.8	Elected
Fox	St. Helier No. 3	1,233	56.4	18.9	Elected
De Faye	St. Helier No. 3	1,191	54.4	18.3	Elected
Taylor	St. Clement	1,024	63.1	22.0	Elected
Troy	St. Brelade No. 2	961	61.2	22.7	Elected
Voisin	St. Lawrence	877	70.9	30.3	Elected
Baudains	St. Clement	811	50.0	17.4	Elected
Carrol	St. Helier No. 3	793	36.3	12.2	
Bridge	St. Helier No. 2	785	68.7	22.3	Elected
Labey	Grouville	774	65.9	27.1	Elected
Dubras	St. Lawrence	743	60.1	25.7	Elected
Hill	St. Martin	725	57.1	32.3	Elected
Nicholls	St. Helier No. 3	724	33.1	11.1	
Ryan	St. Helier No. 1	720	69.9	20.7	Elected
Egré	St. Peter	711	67.5	28.5	Elected
Martin	St. Helier No. 1	660	64.1	18.9	Elected
Le Main	St. Helier No. 2	658	57.6	18.7	Elected
Bernstein	St. Brelade No. 2	640	40.8	15.1	Elected
Southern	St. Helier No. 2	609	53.3	17.3	Elected
Wakeham	St. Brelade No. 2	599	38.2	14.1	
Reed	St. Ouen	598	42.9	23.0	Elected
MacFirbhisigh	St. Helier No. 2	577	50.5	16.4	
Stayte	St. Clement	561	34.6	12.1	
Mezbourian	St. Lawrence	550	44.5	19.0	
Blackstone	St. Martin	539	42.4	24.0	
Scott Warren	St. Saviour No. 1	531	57.3	22.5	Elected
Duhamel	St. Saviour No. 1	519	56.0	22.0	Elected
Le Hérisier	St. Saviour No. 3	500	82.8	27.4	Elected
Ferguson	St. Brelade No. 1	489	51.4	24.8	Elected
Dorey	St. Helier No. 1	488	47.4	14.0	Elected
Jennings	St. Helier No. 3	486	22.2	7.5	
Layzell	St. Brelade No. 1	455	47.8	23.1	
Pirouet	St. Clement	425	26.2	9.1	
Picot	Grouville	397	33.8	13.9	
Coutanche	St. Brelade No. 2	397	25.3	9.4	
Lewis	St. Saviour No. 1	374	40.3	15.9	

	St. Helier No. 1	352	34.2	10.1	
stre	St. Ouen	340	28.1	15.1	
	St. Ouen	340	28.1	15.1	
r	St. Peter	338	32.1	13.6	
	St. Mary	300	50.3	28.8	Elected
ian	St. Mary	296	49.6	28.5	
orth	St. Helier No. 1	252	24.5	7.2	
	St. Saviour No. 1	240	25.9	10.2	
	St. Brelade No. 2	193	12.3	4.6	
	St. Clement	163	10.0	3.5	
s	St. Saviour No. 3	104	17.2	5.7	
ge	St. Brelade No. 2	92	5.9	2.1	
il	St. Lawrence	66	5.3	2.3	
n	St. Saviour No. 2	Unopposed			Elected
l	Trinity	Unopposed			Elected
m	St. Saviour No. 2	Unopposed			Elected
.	St. John	Unopposed			Elected

SENATORIAL ELECTION RESULTS**1999 ELECTION**

Candidate	Votes received	Registered Electors	Voters voting	% of voters voting	% of registered electors
Syvret	15,212	51,414	21,879	70	30
Lakeman	12,806	51,414	21,879	59	25
Le Sueur	10,471	51,414	21,879	48	20
Le Claire	8,287	51,414	21,879	38	16
Le Maistre	7,796	51,414	21,879	36	15
Bailhache	7,295	51,414	21,879	33	14
Dorey	6,529	51,414	21,879	30	13
Le Hérisier	5,206	51,414	21,879	24	10
Bernard	4,679	51,414	21,879	21	9
Rothwell	4,458	51,414	21,879	20	9
Walsh	4,082	51,414	21,879	19	8
de Carteret	3,834	51,414	21,879	18	7
Baudains	3,715	51,414	21,879	17	7
Richardson	3,208	51,414	21,879	15	6
Pitman	2,844	51,414	21,879	13	6
Thornhill	1,809	51,414	21,879	8	4
Leach	1,713	51,414	21,879	8	3
Cole	1,598	51,414	21,879	7	3
Walton	1,527	51,414	21,879	7	3