

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: ELECTION DATES FOR CONNÉTABLES (P.54/2007) – COMMENTS

**Presented to the States on 4th June 2007
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

The Privileges and Procedures Committee is extremely supportive of the principle underlying the proposition of the Comité des Connétables that all Connétables should be elected on one single election day. The Committee believes that this would raise the profile of the Connétables' elections and might, as a result, encourage greater turnout.

Despite its overall support for the underlying principle PPC has some concerns with the wording of the proposition of the Comité as drafted particularly in the light of the amendment lodged by the Comité on 21st May 2007 (P.54/2007 Amd.).

In the States on 15th May 2007 the Chairman of the Comité was asked whether the Comité would amend the reference to a 4 year term of office in this proposition to take account of the rejection by the States of other reform options on 1st and 2nd May 2007. The following exchange is recorded in the Official Report –

“9.2.2 The Connétable of St. Ouen:

While not wanting to oppose the idea, when the last debate took place the Connétables were not allowed to put their proposition in with it because it was a stand-alone proposition. I do not see any change in that particular stance. The Connétables' proposition merely deals with the role of Connétable, not with any other States Member. I have had not a chance to speak to my fellow Connétables about it and I am sure that we probably would not object to moving it. But at the same time, I think I should point out that the decision last time was that it was a stand-alone proposition.

Deputy P.V.F. Le Claire:

May I ask the Chairman of the Connétables Committee, Sir, that the proposition before us by the Comité des Connétables includes the provision for a 4-year term of office which during the last States session I asked if it was going to be amended. If it was not going to be amended by the Comité themselves, which it does not look like it has been, I then asked if that could be made known so that an individual Member could bring that amendment.

The Connétable of St. Ouen:

It is the intention of the Connétables to amend it.

The Deputy Bailiff:

To change 4 years to 3 years?

The Connétable of St. Ouen:

Yes, Sir.

The Deputy Bailiff:

Greffier, that has got to be 2 weeks before, does it not? Connétable, I just wanted to be sure, if you are going to lodge you must lodge 2 weeks before. Is that sufficient time for you to do that for that meeting?

The Connétable of St. Ouen:

Yes, Sir.”

PPC is therefore disappointed to note that the Comité decided at its meeting of 21st May 2007 (the last date for the submission of an amendment if the debate is to take place on 5th June 2007) not to bring forward this amendment. As a result the proposition as amended by the Connétables appears to be internally inconsistent. In paragraph (a)(i) there is reference to a 4 year term but in paragraph (a)(iii) it states that elections would take place in September in each election year which, until other reforms are agreed, will be every 3 years. PPC is keen to see the introduction of a 4 year term for all members but does not believe it would be helpful to approve paragraph (a)(i) until a decision on the overall composition of the States is taken. It would, in the absence of other reform, be rather curious for a 4 year term of office to be agreed for Connétables when other members are still serving 3 or 6 year terms. PPC believes that paragraph (a)(i) should therefore be withdrawn by the Comité.

Before considering its amendments the Comité des Connétable was advised that PPC had received legal advice that any legislation to curtail by force the term of office of elected members by a significant period could face a challenge under Human Rights legislation. It was suggested to the Comité that an amendment should be brought to this proposition to make it clear that the election in the autumn of 2008 would be held on the basis of “voluntary” resignations with any Connétable who did not wish to resign and participate being able to stay in office until the conclusion of his or her term of office with the subsequent term of office managed by legislation to terminate at the next election for Connétables thereafter. PPC notes from the report accompanied P.54/2007 Amd. that the Comité decided not to bring forward an amendment to cover this matter.

PPC is pleased to note that all 12 current Connétables have expressed a willingness to resign and stand again in the proposed 2008 election but there are, of course, a number of elections for Connétables in the coming months and it is possible that future post-holders may not share the same enthusiasm to curtail their term of office, particularly if they have only been in office for less than one year. PPC must therefore make it clear that if this proposition is adopted it will be obliged to bring forward legislation that allows Connétables to resign and stand in the 2008 election if they wish to do so, without this being a mandatory requirement. The Committee does not believe that the Chairman of PPC could sign a statement of Human Rights compatibility for any legislation that purported to force all 12 Connétables to leave office and stand in the proposed 2008 election.

PPC notes that the amendment lodged by the Comité on 22nd May 2007 proposes that the election for Connétables should take place at the end of September 2008. PPC has some concern that this will lead to 3 election days in succession during the autumn of 2008 which runs strongly contrary to the overall principle supported in the MORI poll of having one general election day for all members. In addition it is not clear when the successful candidates in the Connétables election would be sworn in. At present the successful Senatorial candidates are not, of course, sworn in until December with the newly elected Deputies. It may be unacceptable to wait some 3 months to swear in the newly elected Connétables after a September election and it would be curious to suggest that a Connétable who had lost his or her seat in that election could remain in charge of Parish administration for some 2½ months. The alternative is, of course, to swear in the newly elected Connétables immediately after the September election but this will mean that they will join the “old” House in its final months and it may not be possible to organise a full induction programme for them in advance of the normal programme organized in December/January after each election. In addition some disruption may occur if a Connétable who has been serving as an Assistant Minister or on a scrutiny panel is not re-elected as a number of vacancies may need to be filled in the last few weeks of the ‘old’ House.

PPC is disappointed to have to make negative comments in relation to this proposition and amendment because, as stated above, it strongly favours the concept of moving away from the current system where Connétables are elected on a number of totally random dates. The difficulties with this proposition and amendment draw attention to the problems that PPC has identified over the last few months with any piecemeal approach to reform of the Assembly. Tinkering with one part of the composition and election almost inevitably has unforeseen consequences elsewhere and, for that reason, PPC believes that the only sensible long-term option is for an overall reform package to be agreed with all the consequences set out clearly. If this proposition of the Connétables is adopted PPC hopes very much that, subject to the conditions on the transitional arrangements explained above, the proposals could form part of the transition to an overall reform if members support the proposals being brought forward in the near future by PPC. The Committee must nevertheless point out that if this proposition is adopted and more general reform rejected or deferred there may be a number of unfortunate consequences such as the fact that Connétables will serve for 4 years and other members for 3 or 6.