

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY (P.133/2016): AMENDMENT (P.133/2016 Amd.) – AMENDMENT

Lodged au Greffe on 30th January 2017
by Senator P.F.C. Ozouf

STATES GREFFE

COMPOSITION AND ELECTION OF THE STATES ASSEMBLY (P.133/2016):
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1 PAGE 2, AMENDMENT 1 –

In the substituted paragraph (a), for the words – “38 Members”, “20 Deputies”, “3 Deputies” and “4 Deputies”, substitute the words – “44 Members”, “26 Deputies”, “4 Deputies” and “5 Deputies” respectively.

2 PAGE 2, AMENDMENT 2 –

For the words “ ‘4’ and ‘3’ ” substitute the words “ ‘5’ and ‘4’ ”.

3 PAGE 2, AMENDMENT 3 –

Delete amendment 3.

SENATOR P.F.C. OZOUF

REPORT

This amendment to my amendment is designed to give Members the maximum choice in choosing an option of reform.

It increases the total number of members to 43, but still reduces the current number which is desired by a majority of Islanders I have spoken to.

My position

Many, many Members, including myself, have always supported the expert recommended options for States reform. However, well explained in the PPC comment, no option has ever achieved a majority.

I remain of the opinion that expert advice should be taken, and the best option of reform should be accepted by the States.

Getting close to the norms of democracy is better than no action, and it is in that spirit that I make this further amendment to give Members the maximum choice to make a reasonable but imperfect ideal option.

Some change is better than no change.

No change is simply unacceptable.

Why this is important

It is accepted around the world that for democracy to be fair, each citizen has equal rights in the choice of that society's government. There are 2 fundamentals to this –

- **Voter equality** – each citizen having a similar number of votes, i.e. one citizen: one vote; one citizen: 2 votes; one citizen: 3 votes. Every Islander should influence the same number of elected representatives.
- **Voter equity** – each electoral position has a similar number of voters.

Jersey's system does not conform to a great extent to either of these norms

- The composition of the States has remained unchanged since 1947.
- The population of the Island has grown from 57,000 in 1947 to an estimated 105,000 in 2016.
- Some parishes have more than trebled in size, whereas others have only increased by 50%, but the number of representatives has remained the same.
- This means the distribution of the deputation seats is no longer representative or fair.

This unfairness has been recognised for over 20 years, but nothing has been done to deal with the unfairnesses. Sir Cecil Clothier and an eminent group of Islanders and off-Island experts in democracy recommended an Assembly comprising fewer members. Their proposal was rejected.

Numerous proposals have been put forward and all have been rejected.

The system has been changed at the margins, sometimes with unintended consequences, but the unfairness remains.

Time is running out – the May 2017 deadline

It is an established principle that changes to the make-up of parliaments should happen at least one year before an election. Otherwise it is unfair and candidates – especially those not already elected – preparing to stand don't have enough time to consider options as to whether to stand out not.

It's also unfair on voters who need to understand the system of voting.

Jersey has unacceptably low voter turnouts, which is a serious worry in itself. Making changes within a year is likely to encourage even lower turnouts, as the credibility of the States sinks to new lows.

Familiarity versus what's right

We all like the familiarity of our local Deputy and Parish Connétable, and many Islanders want to keep the Island-wide mandate of Senator. But this system has to conform to the respected norms that underpin what is or is not a democratic state.

There are many states in the world that do not have democracies based on democratic norms. They are states that are either very large and/or enjoy massive natural resources, which means that they can continue to exist without reforms.

Jersey is a small island which depends on exporting services to the world. It cannot turn its back on the democratic norms expected.

A solution is possible

It is possible to stay within the norms with various adjustments which are the foundations of good democracies. There are many different variants to democracy. There are numerous ways to fix the serious problems that have been allowed to exist.

Doing nothing is not an option and time is running out to fix the problem before May 2017, which is the deadline for reform.

The Public voted in the referendum to keep the Connétables in the States Assembly. Whilst this does not conform to voter equity, it can be offset by adjusting the deputorial seats, provided the distribution is fair and to the greatest extent possible, every citizen has the same number of votes, whatever system is chosen.

Jersey can have a vibrant, proper democracy based on traditional parish boundaries. One of the options has to be chosen.

This amendment gives Members a further option to choose in this momentous and necessary decision.

Financial and manpower implications

There are no manpower implications. Six additional Deputies will cost around £280,000 per annum more than the proposal in the amendment, although this would still involve around £230,000 less expenditure than is spent on salaries for a 49 Member Assembly.