

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES: REVISED STRUCTURE (P.72/2009) – AMENDMENT

Lodged au Greffe on 25th June 2009
by the Deputy of St. Martin

STATES GREFFE

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In paragraph (a), for sub-paragraphs (i) and (ii), substitute the words “49 Members to be known as Deputies, elected in 6 new large electoral districts”.

DEPUTY OF ST. MARTIN

REPORT

On 16th January 2001 the Policy and Resources Committee presented to the States the Report on the Review of the Machinery of Government in Jersey. A distinguished Panel under the Chairmanship of Sir Cecil Clothier KCB, QC had undertaken the Review. The volume of evidence from the people of Jersey calling for change in the way things are done surprised the Panel.

The Report contained a number of recommendations, which in the Panel's opinion would improve the efficiency of our Government. Whilst it was appreciated that some recommendations would be controversial, it is evident that the States has not distinguished itself in the way it has addressed the Composition recommendations.

When the States set about implementing the recommendations the Clothier Panel advised States Members not to "cherry-pick." I am a long-standing States Member and have participated in debating every proposition and amendments that have been lodged since 2001. Many, many hours both in and outside the States Chamber have been devoted to debating the various options for reform. I am of the belief that States Members have cherry-picked and lacked the courage to do justice to the Clothier Panel's recommendations.

The issue of the Composition of the States has been by far the most contentious of all the Clothier recommendations. The initial reason for not addressing the issue was that Members felt that they should wait and see how the new form of Government operated. In reality it was not a reason but an excuse to avoid what understandably is an uncomfortable decision for those with a vested interest in the outcome.

However, having voted for Executive Government, I fully expected the composition issue to have been addressed with the same enthusiasm that was evident when debating the need for Executive Government. Unfortunately this has not been the case. Whilst most Members will agree that change is necessary there is the caveat that they only agree to change as long as it does not affect them.

A number of Composition propositions and amendments have been lodged and it is apparent that every possible option has been considered, so why should the latest attempt by the Privileges and Procedures Committee succeed when its latest proposal has already been rejected? Whilst PPC rightly states that there is a need for compromise and courage, it is only asking two categories of Members to have the courage to accept a compromise. I submit that PPC's proposal is piecemeal and it lacked the courage to really press for reform.

I accept that trying to satisfy people with vested interests is never going to be easy, and I understand the difficulty PPC finds itself in. However, a two-step approach is not the way forward. Unfortunately it is again ignoring the Clothier Panel's view that there should be only one class of States Member. Instead, PPC is proposing to perpetuate a divided Assembly with members having divided loyalties and operating under different Laws.

PPC appears to have ignored the comments contained in the Clothier Report, much of which are still very relevant. In its Report the Clothier Panel recommended the abolition of the category of Senator and the substitution of the 12 additional members of the States.

The Panel also recommended that the Connétables should cease to be ex officio members of the States. Those Connétables who had the inclination to perform a dual role could stand for election to the States. They would then be truly elected by their parishioners to represent them in the States.

The Clothier Panel was of the view that with the loss of the Senators, the format of the “new” Assembly should be reduced in number. It should continue to be Parish-based but with the number of members per Parish being increased, whereby the Assembly would comprise between 42 and 44 members. Therefore the reform of the Assembly would have affected all 3 categories of States Members.

During the course of the many debates on the Composition of the States, I lodged a proposition seeking approval for the Clothier Parish-based option; however like the other options it was rejected. It was rejected because I believe that Members did not want to support any changes to the composition. It could be said that through the passage of time, experience has now shown that whilst States membership could be reduced, drastically reducing by such a large number would not help the efficiency of the States as a whole. There is still the option of continuing with the Clothier Parish-based format with an increased number; however I am of the view that it would not be possible to get a fair and proportionate number of States Members per Parish. I share PPC’s view that there should be 6 districts, which allows for the voter’s greater choice of candidates.

Experience has also shown via the decline in election turnout, that the public is dissatisfied with States Members’ procrastination in addressing reform. This has led to the election of more Members whose manifestos called for reform.

There has also been a shift in public thinking with the realisation that it is impossible to have a Chamber comprised entirely of members with an Island mandate. There has also been a shift in areas of Executive responsibility. It is now a fact that half of the Senators are not Ministers. It is also a fact that 4 Ministers do not have an Island mandate. It is also a fact that 3 Ministers were re-elected unopposed in their Parishes. It is also a fact that the Minister with the States’ largest budget has been elected and re-elected unopposed to the States. It is also a fact that the Chief Minister and two of his Ministers did not face the electorate during the last round of general elections.

I cast no aspersions on the Members involved – in fact one could be envious of their good fortune; however if States Members are really committed to reform they should seek to establish a system whereby all members are elected via a level playing field.

I fail to understand how PPC can expect 41 Members to accept a compromise which will see 12 of them no longer being Senators with a 6 year term of office and 29 members losing their Parish connections. However, it expects those 41 members to agree to retain the anomaly whereby 12 colleagues remain as ex officio members.

Much has been said about the role of the Connétables in the States. Clearly there is support for them to be eligible to contest for a seat in the States, I too subscribe to that view, but if there is to be reform they should not be Members by virtue of their office.

There is evidence that there is much support for Connétables to serve in the States, therefore if that support is so strong, then Connétables have nothing to fear because if they chose to stand for election to the States they have a very good chance of being elected. All that is required of them is to display leadership and the courage to support my proposition.

As Connétables would no longer be States Members by virtue of their office, it could open the door to those people who would welcome the opportunity of heading and devoting all their time to their Parish without sharing it with States duties.

PPC is proposing that the Island be divided into 6 districts with a membership of 49, with 37 elected members plus the 12 Connétables. This should guarantee contested elections on a level playing field with the exception of the Connétables. My proposition will allow for all seats to be contested on a level playing field basis. It will be for the voters of each of the 6 districts to decide who they would like to represent them in the States. If they would wish to vote for a Connétable they would be able to do so.

I believe that the role of the Connétables would be enhanced if they were elected in an open and contested election against all comers. I am relaxed as to what title Members of the new Assembly should have, but at least if my proposition is approved there would be only one class of member.

PPC is proposing to reduce the size of the Assembly to 49 members. However, I believe that the graph shown on page 27 of its report does not actually reflect an accurate account of representation.

From the graph below which is copied from page 27, one will see that if 37 Deputies are elected to the new States there will be an average of one States Member per 2,356 residents. The Trinity Parish grouping of 5 Parishes show that each of the 6 Deputies will represent 2,572 residents, which is the highest ratio. Grouville and St. Clement, with 2,150, will have the lowest ratio.

		Population total	Deputies	Residents per Deputy
St. Helier 1	14,155	14,155	6	2,359
St. Helier 2	14,155	14,155	6	2,359
Grouville St. Clement	4,702 8,196	12,898	6	2,150
St. Saviour St. Martin	12,491 3,628	16,119	7	2,303
Trinity St. John St. Mary St. Ouen St. Lawrence	2,718 2,618 1,591 3,803 4,702	15,432	6	2,572
St. Brelade St. Peter	10,134 4,293	14,427	6	2,405
TOTAL		87,186	37	
Average				2,356

To arrive at any average figure there must be high and low numbers, and as one will see there is only a difference of around a 200 from the highest to the lowest figure.

However, PPC's figures do not show the true figure of States representatives per resident. PPC's main argument for the Connétables retaining their ex officio seat is because there is a perceived need for them to represent their Parishioners. Therefore, if one looks at the table below, one will see that with 49 Members, (37 plus 12 Connétables) representing their constituents in their Parish or district, the representation per resident changes considerably.

	Pop'n	Totals	Deps.	Res/Dep	Dep+Con	Res/MP
St. Helier 1	14,155	14,155	6	2,359	6	2,359
St. Helier 2	14,155	14,155	6	2,359	7	2,022
Grouville	4,702					
St. Clement	8,196	12,898	6	2,150	8	1,612
St. Saviour	12,491					
St. Martin	3,628	16,119	7	2,303	9	1,791
Trinity	2,718					
St. John	2,618					
St. Mary	1,591					
St. Ouen	3,803					
St. Lawrence	4,702	15,432	6	2,572	11	1,403
St. Brelade	10,134					
St. Peter	4,293	14,427	6	2,405	8	1,803
	87,186	87,186	37	14,148	49	
Average	37	2,356				
Average	49	1,779				

As can be seen, the Trinity District has 11 members representing 1,403 residents, whereas St. Helier District No. 1 will have some 950 more residents per member.

There have been concerns expressed in the past over the uneven spread of representation, and it is hoped that if the principle of dividing the Island into 6 districts is approved, there will be an even spread of representation.

Like the Privileges and Procedures Committee, I make no apology for proposing my option, which is similar to ones previously debated and in common with other options rejected. However, I believe that unless there is a full debate about the various options open to members, the debate will be devalued.

In its report PPC states: "PPC is conscious that a reform option of an Assembly without the Connétables is clearly a workable option for reform, and some members of the current Committee would, in fact, have preferred this. The Committee is nevertheless unanimous in recognising that such an option would have little chance of

being accepted and would therefore, at this stage, almost certainly lead to rejection if proposed". Given that PPC calls for courage, it seems anomalous to advance a proposition which for some of its Committee is a second-best option. It also seems odd to advance an option which goes against the evidence obtained via its own research and the Clothier Panel.

The Clothier Panel stated: "We 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 we were 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 Deputies for their respective Parishes".

In PPC's report it states that there is decreasing support for the Connétables remaining as States Members. In July 2006, 54% of those interviewed by telephone by MORI was of the view that Connétables should remain as members of the States. However, in early 2007 following the issue of a leaflet, responses on the matter were less favourable, with only 44% of respondents being in favour. Two years on, one is left to wonder what level of support there now is?

I believe that if Members are really committed to reform, they will share my view that the "new" Assembly should be comprised entirely of members who have been elected via a level playing field.

My proposition will allow for all candidates seeking the position of Connétable to decide whether they would also wish to stand for election to the States. The parishioners would then vote accordingly. Once elected, it would be for the Connétables to decide whether they would wish to stand for a seat in the States.

Members will have to decide whether they really want reform, and if so, which option they prefer. I believe my option is more preferable because it will lead to a level playing field with guaranteed elections; with the public having a greater choice of candidate, and will allow them to show their support for Connétables.

Financial and manpower implications

There should be no additional manpower implications, however with a reduction in the number of States Members there will be an annual saving of around £177,000.