

STATES OF JERSEY



DRAFT REFERENDUM (COMPOSITION OF THE STATES ASSEMBLY) (JERSEY) ACT 201- (P.118/2014): SECOND AMENDMENT (P.118/2014 Amd.(2)) – COMMENTS

**Presented to the States on 14th July 2014
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

The Committee asks members to reject Deputy A.K.F. Green of St. Helier's amendment.

Deputy Green's question is limited in its scope, and the outcome of the referendum would not provide a clear direction for the future of the composition and election of the States Assembly.

If the outcome was a 'yes' vote in favour of retaining the automatic seat of the Connétables in the States, this would give members a clear steer and no doubt stop discussion on this issue for a period of time, but it would not advance decisions about reform at all, and would simply result in discussions regarding the reform of the States Assembly being further delayed.

If the outcome was a 'no' vote, the States would know that the Public wished to remove that automatic right, but would have no clearer idea of how to proceed to achieve reform. There would then need to be further discussions to establish the number of States members, whether the number of Deputies or Senators should be increased or decreased, how their seats should be allocated, and whether they would be elected in single or multi-member districts, for example. Experience in recent years shows that it is unfortunately almost impossible for States members to agree any acceptable way forward on issues of reform, and even if some consensus could be reached on these points, there may need to be a further referendum on any proposed system. As PPC has now recommended that a referendum should normally, if possible, be held on the same day as other elections, the second referendum would not realistically be held until 2018, thereby delaying any agreed reform until 2022 at the earliest.

The Committee hopes that the single referendum question being brought forward in its draft Act will give a clear and straightforward result on whether the Clothier recommendation should be implemented. Under the Committee's draft Act, any voters who wish to retain the right of the Connétables to be members of the States as an automatic right have the simple option of voting 'No'.

The Committee's question provides a workable solution in the event of either a 'yes' or a 'no' vote. In addition, it has been subject to testing by a series of focus groups for its level of comprehension and to ensure that it is not considered to be leading. The Committee would be interested to know whether Deputy Green's question had been subject to similar testing or any independent review. A vote to remove the automatic right of the Connétables to sit in the States could be viewed as a vote to reduce the number of States members (although this is not clear from the question), and a question which asks the Public whether they would like to reduce the number of States members could be considered to be leading.

When the Clothier recommendations were partially implemented with the introduction of Ministerial Government, there were no requisite changes made to the composition and election of the States Assembly. The Committee believes that the Public should have the opportunity to vote on the remainder of the Clothier reforms as a whole, and our Referendum Act offers this opportunity. Deputy Green's amendment only offers an opportunity to express a view on a limited element of the composition and election of the States, and does not provide a complete vision for the future of the States Assembly.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

The Committee's meeting to discuss the amendment had to be re-scheduled because of the additional States continuation days, and the Committee wishes to apologise for submitting late comments.