

STATES OF JERSEY



DRAFT STATES OF JERSEY (MISCELLANEOUS PROVISIONS) LAW 201-: REQUEST TO PRIVY COUNCIL

Lodged au Greffe on 6th June 2011
by the Deputy of Grouville

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to refer to their Act dated 20th January 2011 in which, subject to the sanction of Her Most Excellent Majesty in Council, they adopted a Law entitled the States of Jersey (Miscellaneous Provisions) Law 201-, and –

to agree that it is no longer the wish of the Assembly that the Law should receive the sanction of Her Most Excellent Majesty in Council and to charge the Greffier of the States to write to the Clerk of the Council notifying the Clerk that it is the wish of the States of Jersey to withdraw the Law which was transmitted through the official channels under cover of a letter from the Greffier of the States dated 26th January 2011.

DEPUTY OF GROUVILLE

Note: In accordance with Standing Order 23(a) this proposition has been signed by the following members.

1. Senator J.L. Perchard
2. Deputy of Trinity
3. Deputy E.J. Noel of St. Lawrence

The reasons for bringing this proposition are set out in the report below.

REPORT

On 3rd March 2011, we voted on rescinding the decision we had made in January, 2011 to remove 4 Senatorial seats from this Assembly. I lost that proposition by 2 votes.

I felt so strongly at what this Assembly had done, that I vowed to fight on.

I did so because the decision we had taken was, I believed, unconstitutional. I believe it conflicts with the third recital of the States of Jersey Law 2005 which says –

“.....whereas Jersey wishes to enhance and promote democratic, accountable and responsible governance in the Island.....in accordance with the international principles of human rights...”

The removal of 4 Senatorial seats serves to reduce the electorate’s democratic rights to vote, by between 20 – 26%. It does not enhance or promote them.

When rights and freedoms have been fought for over the centuries, I would like States Members to ask themselves what authority they had to make such a decision without any consultation to the people they serve and whose rights they are removing?

To be clear, when the public were last consulted about a reduction in the membership of the States, this was the result –

63% wanted a reduction in Deputies
17% wanted a reduction in Constables
6% wanted a reduction in Senators
And 9% wanted no reduction at all.

Therefore the least favoured choice was a reduction in Senators. So ask yourself why the vote was made to do the opposite. Then ask yourself who it is you serve.

Since that vote, we have agreed to appoint an Electoral Commission to explore change in a cohesive and proper manner rather than this piecemeal type of reform PPC have advanced here. But it could be some time before their recommendations have been consulted upon, agreed and implemented. I therefore believe we should maintain the system of Government we have had for many decades, until that time arrives.

Financial and manpower implications

If the savings of 2 senatorial seats has already been accounted for in next year’s budget, this will also need to be reversed.

APPENDIX

REPORT ACCOMPANYING MY PROPOSITION DATED 16TH FEBRUARY 2011

I do not bring this proposition to the States lightly, but I do bring it absolutely convinced it is the right thing to do.

Since the Clothier Report, not adopted by successive Assemblies, we have cherry-picked and dreamt up new reforms, under the belief that it is 'what the public want'.

I did not support the Clothier Report when it was presented, especially the demolition of the parish boundaries. I felt our Government had served us well through time; and while we may have needed certain changes, such as a single election day, a clear distinction in the roles between the 3 types of member, easier voting and possibly a spring election, I still believed that the make-up of the Assembly was a sound one.

In my view, it may have been preferable to implement the Clothier recommendations in their entirety, rather than the piecemeal reform we have adopted.

The reforms we have thus far achieved are a less democratic mélange of ill thought-through ideas. Not surprising, with Members voting in one direction, then in an almost mutually exclusive direction in another Sitting.

I would venture further to suggest that the reason why there is a feeling that this Assembly is not working has less to do with the make-up of the States Assembly and more to do with the implementation of Ministerial Government.

I raise this because Ministers and many Senators cannot have it both ways.

I say it is the system of Ministerial Government that needs reform, not the make-up of the States Assembly.

The fact that only 10 Members (with their army of Civil Servants) form public policy, whilst the skills and talents of other elected representatives are disregarded, does not make for a consensus government.

As it stands, we have Assistant Ministers bolstering up the duties of their Minister, and the majority of Members serving on Scrutiny Panels producing reports, which are generally ignored, yet passes as a fig leaf for opposition. I have served under the Committee system, I have served as an Assistant Minister and am currently serving on Scrutiny and various Sub-Panels, and I therefore believe I am qualified to make such a statement. If anything is causing voter apathy, it is the fact that there are only 10 decision-makers in this Government. The rest of us are lucky to be informed of those decisions before the media receive the information.

I would suggest it is that which is disillusioning the electorate, and indeed some Members, who call for reform. There is now a complete disconnect between electorate and most of the decision-makers, i.e. the Council of Ministers.

However, what PPC proposed, and this Assembly adopted, in their decision on 20th January 2011, was I believe to disenfranchise the public even more.

By removing 4 Senatorial seats, while all the others remain, we have not only removed the most democratically elected seats in the Assembly, but we have also removed the right of the Island's electorate to vote for them.

Hopefully Members have now had time to reflect on the implications of this decision and have had a chance to engage with their constituents.

It cannot have escaped Members' attention that some constituents feel so strongly about this issue that they are willing to petition the Privy Council. Their stance supports my own view.

If we sit back and allow this petition to go forward, understandably, the U.K. Government will question the worth of the States of Jersey. What the signatories of the petition and members of the public are, in effect, saying, is that the Island's Government has made the wrong decision – a decision that the people of the Island do not support.

This Assembly cannot sit back and do nothing. I am therefore giving Members another opportunity to reflect on the decision and to restore the democratic right of the people.

I am asking Members to rescind their decision and to ask Her Most Excellent Majesty in Council to put to one side our decision of 20th January 2011.

Removing the most democratically elected seat in the Assembly was a retrograde step for democracy. It has removed the Island's voting public's right to vote, by between 20% and 26%, without any reference to them. This surely cannot be democratic advancement and requires reflection.

At the time of going to print, we have P.15/2011: 'Electoral Commission: establishment' yet to debate. If that is approved, it makes sense not to change our Assembly until that report is concluded.

In conclusion, I urge Members to rescind the removal of the most democratically elected seat, that of Senator, and to ensure that the 4 removed Senatorial seats are reinstated.

Financial and manpower implications

The financial considerations will be that of States Greffe and Law Officers' time in writing to Her Most Excellent Majesty in Council to state that it is the wish of the States Assembly to withdraw the Law.