

STATES OF JERSEY



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

Lodged au Greffe on 24th January 2017
by Senator L.J. Farnham

STATES GREFFE

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After paragraph (c) insert the following new paragraph –

“(d) that the changes set out in paragraphs (a) to (c) above should only come into force once they have been approved by the Public in a yes/no referendum which should take place before the end of 2017”;

and re-designate paragraph (d) as paragraph (e) accordingly.

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After paragraph (d) insert the following new paragraph –

“(e) that the necessary legislative changes should be made to allow for the results of public referenda to be binding”;

and re-designate paragraph (e) [formerly paragraph (d)] as paragraph (f) accordingly.

SENATOR L.J. FARNHAM

REPORT

I am certain that we all believe in ‘Popular Sovereignty’, which is the principle that there is no higher authority than the will of the people – which is the basis of the whole concept of democracy.

Democracy is well practiced here in Jersey in this very Chamber, by elected Members with differing political views, representing all walks of our society.

Generally speaking, we are all elected by constituencies made up of either a district, a parish or by an Island-wide mandate.

This, in my opinion, means we have a most representative ‘parliament’ and with 49 members for a population of about 100,000 people – that’s roughly one politician for every 2,000 people – strong voter influence.

And whilst I do not agree with every decision this Assembly makes, I believe, on balance, it often gets it right.

A referendum, as we all know, is a vote in which the electorate can express a view on a particular issue or subject.

Whilst we do not have a good track record with referenda, we must not let this compromise our judgment on their legitimate use in the future. And we must certainly never ignore the result of a referendum in the future, no matter how flawed the question(s) may be.

On 20th January 2011, the Assembly of the States of Jersey voted to reduce the number of Senators. There were 12 Senators, of whom 6 were elected every 3 years.

At the time, the States voted to reduce the number of Senators to be elected at the next elections in October 2011 from 6 to 4. The Assembly also voted in favour of a further reduction from 10 to 8 Senators in October 2014.

I maintain that the historic and democratic rights of Islanders to elect Members of the States of Jersey by Island-wide mandate were reduced by one third by that decision. The proposal to do this was not consulted upon with the people of Jersey, and therefore all Islanders who were entitled to vote were significantly disenfranchised without their prior knowledge or consent.

Of the 3 types of elected States Member: Senator, Deputy and Connétable, the office of Senator is, by virtue of its Island-wide mandate, the most democratic and therefore the most accountable.

The proposition to reduce the number of Senators was carried overwhelmingly by Deputies, and thus those elected by the smallest number of votes or, in some cases, no votes at all, removed 4 seats of those Members previously elected by far the greatest number of voters on an Island-wide basis.

To demonstrate this fact, in the 2008 senatorial elections, 6 Senators were elected, sharing 60,088 votes between them – that is an average of 10,015 votes per elected candidate. In the 2008 Deputies elections, 29 Deputies were elected, sharing 17,533 votes between them – that is an average of 605 votes per elected candidate.

It is absolutely clear that Members of the States of Jersey representing the smallest constituencies removed 4 of the 12 Members representing the largest constituency, that of the whole Island.

This act diluted representation at the most democratic and accountable level, and created an imbalance in representation in the make-up of the Assembly, having moved voting power towards those with the smallest mandate.

It is therefore entirely reasonable that any further changes to our States Assembly should be placed before the electorate for endorsement before being introduced.

Financial and manpower implications

The estimated cost of the referendum would be in the region of £30,000.