

**MACHINERY OF GOVERNMENT: SPECIAL COMMITTEE
ON THE COMPOSITION AND ELECTION OF
THE STATES ASSEMBLY**

**Lodged au Greffe on 19th February 2002
by the Policy and Resources Committee**



STATES OF JERSEY

STATES GREFFE

PROPOSITION

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

to establish a Special Committee, comprising five elected members of the States, to consider, through a process of public hearings and consultation, the composition and election of the States Assembly and to make recommendations which are consistent with the decision of the States of 28th September 2001 and which will facilitate the introduction of a ministerial system of government with a system of scrutiny, on -

- (a) whether there should be changes to the existing composition of the States Assembly;
- (b) whether the constituencies of elected members should be amended and, if so, how;
- (c) whether the term of office of elected members should be amended and, if so, how;
- (d) how and when members should be elected to the States;
- (e) whether there should be a maximum level of election expenses for candidates standing for the States;
- (f) whether all candidates standing for election to the States should be required to produce a policy statement and, if so, how this should be defined and controlled;
- (g) whether a Chief Electoral Officer should be appointed by the States and, if so, what the duties of such an Officer should be;
- (h) whether there should be a central register of voters and, if so, how this should be defined and managed.

POLICY AND RESOURCES COMMITTEE

- Notes:
1. The Finance and Economics Committee's comments are to follow.
 2. The Human Resources Committee's comments are to follow.

REPORT

Background

The current debate on the Island's system of government began in September 1998 when the States agreed, in principle, to the appointment of an independent body to undertake a review of all the aspects of the machinery of government in Jersey. Following States approval on 2nd March 1999 of 'Review of the Machinery of Government: Terms of Reference and Membership' (P.13/99), the review body was appointed under the chairmanship of Sir Cecil Clothier KCB, Q.C., and its terms of reference were, *inter alia*, to consider whether the present machinery of government in Jersey is appropriate to the task of determining, co-ordinating, effecting and monitoring all States policies and the delivery of all public services.

The Report of the Review Panel on the Machinery of Government (the "Clothier Report") was published in January 2001 and generated a considerable degree of public interest, comment and debate. Following wide-ranging consultation, the Policy and Resources Committee considered how the recommendations of the Clothier Panel should be developed further, and determined that they would best be managed if divided between those recommendations pertaining to the machinery of government and those pertaining to the composition and election of the States Assembly.

The reforms to the machinery of Government, as proposed by the Policy and Resources Committee in 'Machinery of Government: Proposed Reforms' (P.12/2001), were approved, as amended, on 28th September 2001, following a momentous four-day debate. As a result, work to enable the introduction of the agreed Ministerial and Scrutiny system is under way, and further proposals in this regard have been and will be lodged in line with the sequence indicated in the Committee's 'Machinery of Government: Proposed Reforms - Implementation Plan'.

Consultation

In bringing forward its proposals regarding the composition and election of the States Assembly, the Policy and Resources Committee, having consulted widely on the relevant matters, published to all States members and the media, in September 2001, a draft report and proposition outlining its proposals for reform of the States Assembly. Having received little formal response to its proposals, but having taken full account of those responses it did receive, these draft proposals were lodged as 'Machinery of Government: The Composition and Election of the States Assembly' (P.179/2001) on 20th November 2001.

In December 2001, the Comité des Connétables decided to call 12 public meetings, with one being held in each parish in January 2002. Members of the Policy and Resources Committee attended each of these meetings, along with other States members, in order to respond to questions on the Committee's proposals.

Outcome of deliberations

The Committee was pleased to note that some of its proposals received widespread support, such as that there should be a single general election date, that the election day should be moved from the autumn to the spring and that the term of office for all States members should be for four years.

However, the Committee also acknowledged the clearly stated view of the majority of those attending the public meetings, that they wanted the Connétables to represent their parishes as States members by virtue of their office, although there ought to be a single election day for all Connétables and also that those people wished to retain an Island-wide mandate for some members.

In response to the many and varied views expressed during and surrounding those meetings, and in recognising that some of the wishes expressed are potentially incompatible, and that many are also in conflict with views expressed before and after publication of the Clothier Report, the Policy and Resources Committee advised the States that it had decided to withdraw P.179/2001 on 29th January 2002.

In so doing, the Committee advised the States that it was of the opinion that, given the wide range of opinions that had emerged, the complex inter-relationships of the many issues involved in how the States Assembly should be constituted and elected should now be considered in a different, and independent, manner. The Committee further advised that it believed the appropriate way forward would be for the States to form a special group, representative of the States Assembly, possibly with an independent chairman, tasked with taking this forward through a process of public hearings and reporting back to the States with detailed recommendations. The Committee also undertook to bring detailed proposals to the States in mid-February regarding the establishment of this special group.

The way forward

The Committee, having considered the different approaches to dealing with this task, now proposes that the most appropriate way forward is -

- for the States to establish a Special Committee, comprising elected members only, who will have the necessary knowledge, skills and experience and will have the confidence of the whole house, to take these matters forward;
- for this Committee to be established by the normal process whereby the States appoints a President and the President then nominates the members of the special committee for approval by the Assembly.

The Committee believes that this Committee should be able to report back to the States with clear recommendations by the beginning of December, as this would be within the lifetime of the present Assembly, but recognises that this will be a matter for the new Committee to consider.

In reaching these conclusions, and in proposing this way forward, the Committee acknowledges the considerable debt owed to the Clothier Panel, the ad hoc Steering Group on the Machinery of Government, the Machinery of Government Sub-committees, States members and the public for all their contributions to the process and the debate. In so doing, however, and whilst recognising the broad level of agreement which has been reached on many of the issues involved, the Committee is convinced that a further examination and consultation process undertaken by a properly constituted States Committee is the best way to resolve how the States Assembly should be constituted when the Ministerial and Scrutiny system of government is introduced.

The Committee therefore commends the proposition to members.

Financial and manpower implications

As the Special Committee will be a Committee of the States, the States Greffe will provide a Committee Clerk to service the Committee. If the Special Committee decides that it needs to hire meeting rooms or record proceedings as part of the public consultation, there will be a small cost, but this is not expected to be significant.