

STATES OF JERSEY

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SPECIAL COMMITTEE ON THE COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: VOTE OF NO CONFIDENCE

Lodged au Greffe on 9th November 2004
by Senator P.V.F. Le Claire

STATES GREFFE

PROPOSITION

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

that they have no confidence in the Special Committee on the Composition and Election of the States Assembly.

SENATOR P.V.F. LE CLAIRE

Note: As required by Standing Order 18B, the following States members also signed the proposition –

1. Senator E.P. Vibert
2. Connétable of St. Martin
3. Deputy J.A. Martin of St. Helier

The reason for moving this proposition is set out in the attached report.

REPORT

On 3rd August 2004, with reference to Act No. A2 of its meeting held on 13th May 2004, the Special Committee on the Composition of the States Assembly revisited its previously made decisions in respect to the Connétables and the number of Super Constituencies. It was but 2 of a number of decisions that it had already made that demonstrated a failing, in my view, of the Committee. At the same meeting the Committee agreed that members had the right to submit minority reports. I toyed with that idea for a while, but recognised that if some members were unwilling to give Senator Norman's minority report from the previous committee any credence, then what chance would I have of demonstrating the Committee's failings around the specific proposals with one of my own? If a senior member such as Senator Norman, who commands a lot of respect amongst States members, was not listened to, what chance would I have? No, the idea of a minority report is in my view only of value to the historians. I believe that the Committee has failed to carry out the requirements of the States decision which constituted it in a number of ways. It is a Committee of a single issue and the task that it was set was clearly defined and approved by the States Assembly. The Committee failed in nearly all of its conclusions to propose something the Electorate wanted, and although in submitting something for debate the subsequent amendments that have since been tabled demonstrate that many States members feel that the proposals in the Proposition are un-debatable without substantial amendment. Amendments that will neither be consulted on by the Public nor in my view be acceptable to them either. The fact that the Committee has also failed to publish written submissions means that they have failed to adhere to their terms of reference.

The following is a matter of record –

**THE STATES assembled on Tuesday,
26th March 2002 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esq.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present**

All members were present with the exception of –

Senator Corrie Stein – out of the Island
Senator Patricia Ann Bailhache – out of the Island
Senator Leonard Norman – absent
Shirley Margaret Baudains, Deputy of St. Helier – ill
Jacqueline Jeannette Huet, Deputy of St. Helier – out of the Island
Celia Joyce Scott Warren, Deputy of St. Saviour – ill

**Machinery of Government: Special Committee on the Composition and Election of the States
Assembly - P.26/2002
Amendment and comments**

THE STATES commenced consideration of a proposition of the Policy and Resources Committee concerning the Machinery of Government: Special Committee on the Composition and Election of the States Assembly and adopted an amendment of Senator Jean Amy Le Maistre that the proposition be numbered as paragraph (i) and after the proposition there be inserted the following paragraph–

‘(ii) to agree that the Special Committee shall hold its meetings in public and shall publish all written submissions made to it.’

Members present voted as follows on the amendment –

“Pour” (42)

Senators

Horsfall, Le Maistre, Syvret, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

Connétables

St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. P.
St. Clement, St. Helier.

Deputies

St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, St. Martir
St. John, Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(C)

Troy(B), Voisin(L), Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Martin(H), Southern(H).

“Contre” (1)

Deputies

H. Baudains(C).

THE STATES, adopting a proposition of the Policy and Resources Committee as amended –

- (i) established 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 were consistent with the decision of the States of 28th September 2001 and which would 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.
- (ii) agreed that the Special Committee should hold its meetings in public and should publish all written submissions made to it.

Members present voted as follows -

“Pour” (40)

Senators

Horsfall, Le Maistre, Syvret, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Cler
St. Helier.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Breckon(S), Grouville, St. Marti St. John, Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Troy(Voisin(L), Farnham(S), Le Hérisssier(S), Ozouf(H), Fox(H), Martin(H), Southern(H).

“Contre” (1)

Deputies

Dorey(H).

THE STATES rose at 5.36 p.m.

C.M. NEWCOMBE

Greffier of the States.

Under its own terms as published within its R.C.25/2004, the Special Committee fails to recognise the amendment of Senator Jean Le Maistre that was adopted by the States, and prints its terms of reference at the start of its report as follows –

REPORT

1. Introduction

1.1 The terms of reference for the Special Committee are to consider –

- (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.

There is no reference to the following, as adopted by the States –

‘(ii) to agree that the Special Committee shall hold its meetings in public and shall publish

all written submissions made to it.’

The other issues can be made in a verbal way as to why there is no confidence in the Committee, but I would like to touch upon one other aspect that shows that the principle of deciding before consulting has reached epidemic proportions within the States and that can be seen quite clearly in the Proposals to decide and then hold a referendum that would not be binding. Having already decided the public will be involved with a support or demonstrate against participation process. The opportunity to influence where proposals should be made would be lost and they would be in the same apathetic position they so often find themselves: one of being consulted into submission. The proposals below from the Committee clearly demonstrate this “WE KNOW WHAT’S BEST FOR YOU!” approach. The only thing being asked is: Do you agree with us? The Committee makes the point that –

“.....it would not be worthwhile putting forward proposals to the electorate if the proposals had no support from members,.....”

So the argument that has to be sold in a referendum is.....**We know you don’t want this but, we do, so.....What do you think?Not that we are bound by your decision.**

9. Referendum – Paragraph (b)

- 9.1 The Committee believes that as a first stage in the decision-making process the Assembly should consider and vote on these proposals in principle to indicate the direction States members are prepared to take. Although it is important for the States to take a lead on the issues involved, and *it would not be worthwhile putting forward proposals to the electorate if the proposals had no support from members*, it is nevertheless accepted that members have considerable self interest in these issues and it will be necessary for members to set aside personal considerations to allow these issues to go forward to the public.
- 9.2 The Committee believes that, once the States have deliberated on the principles of reforming the Assembly, the public should be given the opportunity to express their opinion in the shape of a referendum on whatever recommendations may be agreed by the States. Although the States Assembly itself should take the final decision on reforms it will undoubtedly wish to take due account of the views of the electorate as shown in results of the referendum. It will, of course, be vital to ensure that the wording of the referendum is clear and unambiguous.

The first democratic process should have been to hold a referendum on the existing system. Something that the Public are used to and at this time of change are able to understand so that they can decide which politicians go forward with the substantial raft of policies that are currently manifesting themselves: GST, 0-10%, Migration, Housing and a host of others too numerous to list.

The public were denied that opportunity with the Ministerial style of Government and it seems that the Special Committee has failed to recognise this desire to be held accountable to their constituents and their constituents’ wishes in this regard. The Ministerial system is here for hopefully better than for worse, but let us not throw the baby out with the bath water.

If this Proposition is successful I will put myself forward for Presidency of this Committee. I believe that I can propose practical and acceptable alternatives to what is being proposed and deliver the issues that are involved with the support of the Island’s community and its elected representatives.

Financial and manpower implications

The savings involved in accepting this Proposition will be in the time saved by not debating for 4 or 5 days a set of unworkable and unacceptable proposals. The manpower savings in terms of the States Greffe and Ushers

would be similar. Future proposals need not have to be re-examined where the work which is acceptable has already been done and is understood.