

STATES OF JERSEY



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

**Lodged au Greffe on 11th July 2014
by Senator L.J. Farnham**

STATES GREFFE

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

PAGE 2, AMENDMENT 1 –

In the substituted Article 6(6) for the words “all of the questions” substitute the words “each of the questions”.

PAGE 2, AMENDMENT 2 –

- (1) In the first question on the substituted ballot paper, for the words “lose their automatic right to sit in the States Assembly” substitute the words “remain as members of the States as an automatic right”.
- (2) In the second question on the substituted ballot paper, for the words “elections cease to exist” substitute the words “mandate be retained”.
- (3) Delete the third question on the substituted ballot paper.

SENATOR L.J. FARNHAM

REPORT

In proposing this amendment I aim to clarify the question as to how the States Assembly should be constituted in line with the wishes of the electorate.

To avoid repetition, I refer members to the reports accompanying the amendments of the Deputy of St. John and Deputy A.K.F. Green of St. Helier, which are relevant. I also draw members' attention to the comments of the Comité des Connétables, specifically –

“The Comité is disappointed that –

- the PPC has brought forward proposals for only one referendum when the States Assembly decided that 2 different questions should be asked
- the question proposed by PPC is not entirely in accordance with the recommendation of the Report of the Review Panel on the Machinery of Government in Jersey (the ‘Clothier’ Report published in December 2000)
- the way in which the question is structured means that if the overall result is a “No” vote, then there will be no obvious way of determining why – in other words, which part or parts of the question did not find favour with the public. Therefore there will be only limited information to assist in the formulation of further reform proposals”.

The arguments for retaining the Island-wide mandate are well-rehearsed by this Assembly, but I would remind members that on 20th January 2011 the States voted to reduce the number of Senators from 12 to 8. The proposal to do this was not consulted upon with the people of Jersey, and therefore all Islanders who are entitled to vote were significantly disenfranchised without their prior knowledge or consent. The Electoral Commission then went on to recommend the complete abolition of the office of Senator.

Whilst I believe that that the Island-wide mandate is an essential part of the States Assembly, I also believe that the office of Senator should NOT be removed without first gaining the permission of the electorate to do so. In addition, I can see no reason or logic in asking the question in relation to retaining the Connétables in the Assembly and not extending the same question in relation to the office of Senator.

In this referendum we should ask no more than 2 questions. I am proposing that we do not ask the third question as set out in the Deputy of St. John's amendment, as I believe it is appropriate that we first establish, with the support of the electorate, the classes of States Member that should make up the Assembly before committing to a specific number – although I predict that the Assembly will reduce in size to between 42–46 members.

If this amendment is adopted, the ballot paper would read as follows –

BALLOT PAPER

ANSWER 'YES' OR 'NO' TO EACH OF THE 3 QUESTIONS

1.	Should the 12 Parish Constables remain as members of the States as an automatic right?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2.	Should Senators and the Island-wide mandate be retained?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Financial and manpower implications

There are no additional financial or manpower implications arising from this amendment; the referendum would still have the same resource implications as set out in PPC's draft Referendum Act.