

STATES OF JERSEY



RE-INSTATEMENT OF SENATORS

Lodged au Greffe on 14th November 2022
by Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter

STATES GREFFE

PROPOSITION

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

- (a) that the office of Senator, elected on an Island-wide basis, should be re-instated in time for the General Election in 2026;
- (b) to request that the Privileges and Procedures Committee engages with States Members, the public, and other individuals or bodies as it sees necessary, to develop proposals that will amend the electoral system so that Senators, elected on an Island-wide basis, are re-instated at the General Election in 2026; and
- (c) that the proposals requested in (b) should be lodged in time for debate by the States Assembly no later than the end of July 2023, with consequential amending legislation being lodged in time for debate no later than December 2023.

DEPUTY I.J. GORST OF ST. MARY, ST. OUEN AND ST. PETER

REPORT

Introduction

Under current States Assembly procedures, it is not possible for a proposition to be lodged jointly by Members who are acting in a “backbench” capacity. I nevertheless wish to be clear that I have liaised closely with Deputy Lyndon Farnham in developing this proposition and, for all intents and purposes, it should be considered as a joint proposition.

This proposition is lodged in response to a very clear message that we received during the General Election campaign from our electorate in St. Mary, St. Ouen and St. Peter. We were repeatedly told by voters that they were unhappy at the loss of the Senators and wished to see their return at the next election. Indeed, in my 17 years as a States Member, which has taken me through six elections, I have never known any single issue to be raised with such frequency when talking with voters on the doorstep. I understand that this was reflected in most, if not all, of the other electoral districts.

Deputy Farnham and I both made manifesto commitments that, if elected, we would bring a proposition to the new States Assembly seeking to bring back Senators in time for the 2026 General Election. We both specially mentioned the Senators in our speeches at all three Parish Hall hustings in our District. We asked the public to vote for us as a means of bringing back Senators.

In lodging this proposition, having both been elected, we are meeting our clear manifesto commitments to the parishioners of St. Mary, St. Ouen and St. Peter.

Public Dissatisfaction

The office of Senator is the most democratic of all the elected offices that have existed in Jersey’s electoral history. It offered (and can still offer in future) the greatest level of accountability, because Senators were elected by, and answerable to, every voter in the Island. The existence of Senators gave every Islander a greater direct influence over the make-up of their States Assembly and (albeit more indirectly) their Government.

The public understand this, and the message during the election campaign was that they felt disenfranchised by the new electoral system. Each voter has had eight votes removed from them, and therefore now have much reduced voting rights. This translated into each voter in Jersey having a smaller role in determining the future constitution of their elected Parliament.

The removal of the Senators has reduced the broad nature of popular support that it has historically been necessary for many of those holding positions of executive and parliamentary authority (within Government and Scrutiny) to enjoy. The public have felt this acutely and are dissatisfied at the new and present arrangements. The greater level of voter engagement which we were told would be delivered by the new system has not materialised.

Indeed, the public have seen the irony of being presented with a new and fairer electoral system which has taken away from them the category of States Member which was elected in the fairest way possible.

A job for PPC

One option in lodging this proposition was to present immediate and direct proposals for the return of Senators – either seeking to re-instate the 8 Island-wide seats that have been removed or proposing that all Members (excluding the Connétables) are in future elected on an Island-wide basis. Those appear to be the two main options for bringing back the Island-wide Senatorial mandate.

Deputy Farnham and I believe, however, that this would be a premature approach. The Assembly will soon elect (and by the time this proposition is debated, have elected) a new Privileges and Procedures Committee. It is the role of PPC “to keep under review the composition, the practices and the procedures of the States as Jersey’s legislature and bring forward for approval by the States amendments to the Law and standing orders as considered appropriate”.¹

We therefore consider it procedurally appropriate that this work is allocated to the new PPC to undertake. The proposition, through Part (a), does request an in-principle decision from the States to reinstate Senators at the next election. This is important to ensure that PPC’s work has purpose and that the public can be given early re-assurance that this new Assembly has listened to their views.

The proposition, in Part (b), seeks to give the maximum flexibility for PPC to conduct its work, ensuring full and broad engagement so that the final proposals (which will deliver the return of Senators) have the widest support possible.

The timeframe set out in Part (c) is, we believe, suitable. It gives a year for PPC to undertake its work to develop an in-principle proposal for consideration by the Assembly. Further time is then built-in to allow the necessary legislative drafting that would be required subsequently.

In our view, it is important that this work doesn’t continue any longer than the end of 2023. Given the feedback we received in the election campaign, this is one of the biggest issues concerning the public, and they have a right to see rectifying action taken in good time. Members will also be aware that new electoral arrangements should always be introduced as early as possible before a future General Election.

Voting rights and voter equity

Given the inherently fair nature of the office of Senator, Members can comfortably vote in favour of this proposition knowing that it can only enhance the voting rights of all voters in Jersey. The Island-wide mandate is also the most equitable way of electing States Members.

Conclusion

Any effort to present this proposition as another example of the States Assembly talking about itself would be mis-guided, and out-of-touch with public opinion. This proposition is an example of the States seeking to talk about an issue of significant and direct concern to Islanders.

Deputy Farnham and I acknowledge that Jersey faces important challenges – the housing and cost of living crises, population, putting the public finances back into order and growing our economy. These issues were also raised during the election campaign and must be addressed. This proposition is not, however, detrimental to any of the work

¹ [Committees and Panels \(gov.je\)](https://www.gov.je/Committees-and-Panels)

that must now also commence to deal with those issues and which we will of course support.

The next four years needs to be defined by a States Assembly, and a Government, which listens to the public and takes action to meet their concerns. The adoption of this proposition can set the tone and get us off to a strong start.

Financial and manpower implications

The request in Part (b) for PPC to engage with the public and other individuals or bodies as it sees necessary may require some resource, but it is anticipated, having liaised with the States Greffe, that this can be met from within the existing budget allocation.