

**MACHINERY OF GOVERNMENT: COMPOSITION AND ELECTION OF THE STATES ASSEMBLY
(P.186/2002) - COMMENTS**

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by the Policy and Resources Committee**



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Comments

The Policy and Resources Committee does not believe that the recommendations of the Special Committee offer the best way forward in relation to the composition and election of the States Assembly. Indeed, the Committee considers that the Special Committee has missed an opportunity to come forward with the kind of changes that are needed to reinvigorate the States Assembly. It is not insignificant that one of the Special Committee's own members, Senator L. Norman, has issued a minority report that disagrees with the Special Committee's recommendations.

Before considering the Special Committee's recommendations in detail, it is worth recalling that the Policy and Resources Committee examined this subject in 2001 and produced a report and proposition on the 'Machinery of Government: The Composition and Election of the States Assembly' (P.179/2001). This document was lodged 'au Greffe' on 20th November 2001, and for ease of reference the main recommendations in the report are summarised below -

- the office of senator should be abolished;
- the Connétables should cease to be members of the States by virtue of their office, but should nevertheless be entitled to stand for election as Deputy if they so wish;
- there should be a single election day for all Members of the States, and this should be held in the spring;
- there should be a standard term of office of four years for all Members of the States;
- the Connétables should be elected for a standard term of four years;
- there should be a maximum level of election expenses for candidates standing for the States;
- an Electoral Commission should be appointed by the States to make recommendations for the reassignment of the 24 places formerly held by 12 Senators and the 12 Connétables that would become vacant as a result of the changes referred to above.

Shortly after the publication of P.179/2001, the Comité des Connétables decided to call 12 parish meetings, with one being held in each parish during January 2002. Some of the proposals of the Policy and Resources Committee received widespread support, such as the proposal that there should be a single election day, although there was also clearly-stated opposition in other areas from the majority of those who attended these meetings, particularly in relation to the proposal that the Connétables should cease to be members of the States by virtue of their office. In the light of the views that had been expressed at these meetings, the Committee decided to withdraw its proposition on 29th January 2002, and it was subsequently agreed by the States that the Special Committee should be appointed to carry out a further examination of the issues involved.

Having considered the Special Committee's report, the Policy and Resources Committee is disappointed to note that the Special Committee has decided not to recommend any change to the terms of office of members, despite the acknowledgment in paragraph 5.2 of its report that "*the current three year period might not be long enough to allow the future government to fully implement its policies*". The Special Committee also comments in its report on the six-year term of office of senators, and states that "*there would be little incentive for serving Deputies and Senators to stand as Senators unless some form of longer electoral term was retained.*" In other words, it would appear that the sole reason for retaining the six-year senatorial term is to maintain '*the only incentive*' (in the words of the Special Committee) for candidates to put themselves forward for the position of senator. This does not seem to be a particularly strong argument for retaining the current three and six year terms of office, nor indeed for keeping the office of senator itself.

The Policy and Resources Committee also received strong representations at the time that it was preparing P.179/2001 in favour of moving to a standard four-year term of office, and this also was the general view expressed at the Parish meetings in January 2002. The Committee regrets that the Special Committee has not taken this on board, believing that this is a matter which should be pursued. In the Committee's view, a four year term is a more reasonable length of time and should be adopted as one of the foundation stones for the future evolution of the States Assembly. The Policy and Resources Committee intends to keep the matter in close view as work on machinery of government reform implementation moves forward.

In relation to the position of senator, the Special Committee comments that this position had originally been envisaged for the Island's senior politicians, and it goes on to note that this is no longer really the case because a significant number of candidates have been elected directly to this position without previous experience in the Assembly. It also notes that the title of senator, in reality, confers no special right to a position of authority in the current States Assembly. Given this situation,

there appears to be little justification for retaining the office of senator on the basis that the Special Committee has advanced.

Turning to the specific recommendations of the Special Committee, the Policy and Resources Committee would comment as follows -

“(a) to decrease the number of States members from 53 to 49 by reducing the number of Senators from 12 to 8;”

Notwithstanding the views expressed by the Policy and Resources Committee in P.179/2001 on the abolition of the Island-wide mandate, it also opposes the proposal to reduce the number of Senators from 12 to 8. It is hard to discern any particular rationale for this proposed change and, whatever one’s views about the matter, it seems unwise to contemplate such piecemeal changes to the structure of the States. The Committee’s firm view, in the light of the debate on this whole subject, is that any decision to reduce the number of members should not be considered until after the introduction of the ministerial system of government.

“(b) to move elections from the autumn to spring, commencing with effect from spring 2005, if possible, or as soon as possible thereafter;”

The Policy and Resources Committee recommended in P.179/2001 that there should be a single election day and that this day should be in the spring. While it should be a relatively simple matter to agree on a single date for a spring election, this would be more difficult when one considers the two-phased elections recommended by the Special Committee, i.e. an election for *connétables* and senators, followed by elections for deputies. There is presently a period of six weeks between the elections for senators and deputies, but the large number of bank holidays at Easter and in May, and the fact that Easter is a moveable feast (with the possibility of nearly five weeks variation in its actual date) means that in practice it would probably be difficult to fix election dates at that time of year for a two-stage contest in the current manner. In other words, this particular reform, which is intrinsically very desirable, is intimately bound up in practice with the abolition of the Island-wide mandate.

“(c) that the elections for *Connétables* should all be on the same day;”

Notwithstanding the fact that the Policy and Resources Committee recommended in P.179/2001 that the *Connétables* should cease to be *ex officio* members of the States, the Committee supports the proposal that elections for *Connétables* should be held on the same day.

“(d) that elections for Senators and *Connétables* should be held on the same day, followed by elections for Deputies as soon as reasonably practical thereafter;”

The Policy and Resources Committee recommended in P.179/2001 that there should be a single category of States member (i.e. the Deputy) and that a single election for all deputies should be held on the same day.

Putting these considerations to one side for the moment, and having regard to the senatorial elections just passed, there does not appear to be any particular rationale for electing Senators and *Connétables* on the same day. It would certainly be likely to impact upon the actual conduct of the senatorial elections since the *Connétables* would not be able to exercise their normal general supervision of the elections and the related proceedings at Parish halls. It might also have the effect of diluting public interest and attention in the senatorial elections.

In conclusion, the Policy and Resources Committee believes that the Special Committee has taken what it is hard not to describe as a piecemeal approach in its recommendations on the composition and election of the States Assembly, and it is of the view that its recommendations are not really well-founded. The Policy and Resources Committee’s own views on this subject have already been recorded in P.179/2001, but the Committee would like to add that it naturally has an open mind on all these issues and would be willing to review the recommendations that it made in P.179/2001. The Committee does not, however, believe that the Special Committee’s proposals offer the right way forward.

If there is no consensus on this matter, and this certainly appears to be the case, then in these circumstances the Policy and Resources Committee believes that it would be better to put it to one side until after the introduction of the ministerial system. At that point the States can take stock again, in an orderly manner and in the light of experience of the new system of government. The Committee somewhat regrets reaching such a conclusion but there seems, at the moment, little alternative. A piecemeal approach, along the lines recommended by the Special Committee, would take the States nowhere in particular and it should therefore be rejected.