

STATES OF JERSEY

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COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: PROPOSED REFORM (P.145/2006): AMENDMENTS

**Lodged au Greffe on 28th December 2006
by Deputy G.P. Southern of St. Helier**

STATES GREFFE

COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: PROPOSED REFORM (P.145/2006):
AMENDMENTS

- (1) *In paragraph (a)(i)(1) for the words “the date currently fixed for the senatorial elections in that year” substitute the words “a date to be determined in the month of June of that year”.*
- (2) *For paragraph (a)(i)(3) substitute the following paragraph –*
 - “(3) the right of the Connétables to be members of the States by virtue of their office should cease in 2008 with any Connétable who wishes to be a member of the States being required to stand for the office of Deputy or Senator in the 2008 general election;”.
- (3) *for paragraph (a)(ii) substitute the following paragraph –*
 - “(ii) that an additional eight Deputies’ positions should be created and distributed proportionately to population across the Parishes to make a total membership of the Assembly of 49 from the date of the 2008 general election;”.

DEPUTY G.P. SOUTHERN OF ST. HELIER

REPORT

There can be little doubt in the minds of every member of the States that in avoiding any restructuring of the composition of the assembly and merely contenting ourselves with the adoption of the ministerial and scrutiny machinery of government, we, as a government, failed to do justice to those who elected us to govern. The failure to fully address the reforms suggested by Clothier has cast us in a poor light indeed.

Given the history of the past 3 years, however, it can no longer be a matter of dusting down the Clothier report in its entirety. We have to look for some compromise and accept some partial solutions. I believe we cannot just sit on our hands and do nothing. Senator Shenton has placed one proposition (P.145/2006) before members in an attempt to stimulate debate and produce some action. My amendment, from a different viewpoint, does likewise. Both however propose that we cannot wait until after the next election to start the required changes. I do not believe that the electorate will stand for that. And if we are to achieve change by 2008, we must start the legislative process now.

Composition of the States:

In drafting this amendment, I noted that the Clothier recommendation to scrap all current positions in the States and replace them with a single representative, the Member of the States of Jersey (MSJ), has been rejected by the States. A combination of arguments of variable merit put forward at the time resulted constables and senators coming together to defeat this change. This proposition retains the position of Senator and with it the "Island-wide mandate" but to reduce the term of office from 6 to 4 years.

Terms of office

The Mori poll points to a lack of support for the 6-year term of office currently held by Senators, but widespread support for the Island-wide mandate. The Jersey Democratic Alliance (JDA) believes that the position of Senator should be retained but that the term of office should be reduced to 4 years.

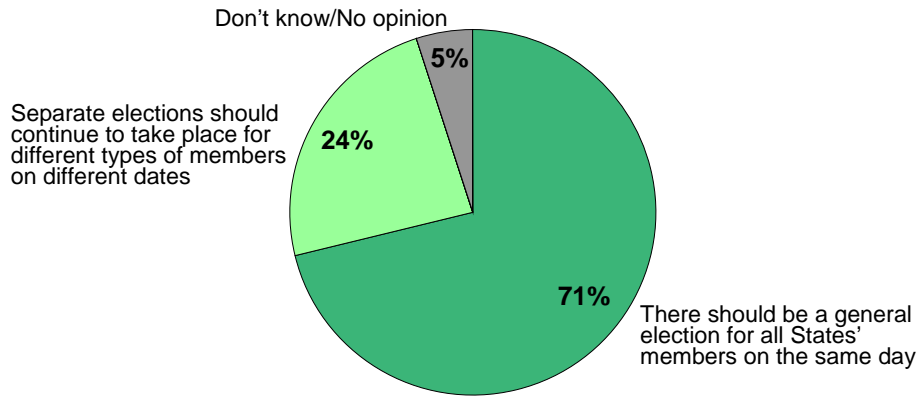
This amendment supports the **4-year term of office** for all States Members proposed in P.145/2006. This gives Members enough time to achieve something, but not long enough to get complacent.

General Election

There can be little doubt that the public, as revealed in the recent MORI poll, wholeheartedly backs the call for a general election of all States Members on the same day. Such a change would enable the electorate to either endorse or to change the Government. Whilst we await the development of a full party political representative system, a general election gives the nearest approximation to a democratic process in which a vote can be connected to a result.

Chart 21 – Attitudes towards a ‘General Election’

Q *States’ members are elected at various times for varying terms of office. Do you think ...*

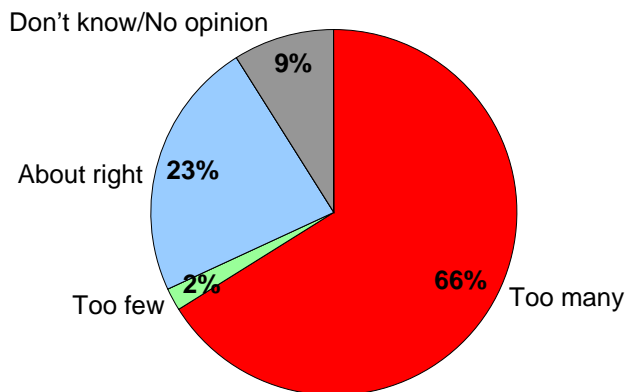


Base: 1,295 Jersey residents aged 18+, interviewed by telephone, 20 July – 24 September 2006 Source: Ipsos MORI

Almost as many, 66% of the electorate, would also support a reduction of the number of States members in the Assembly as shown in the chart below:

Chart 18: Number of members

Q *There are 53 States' members. Do you think this is:*



Base: 1,295 Jersey residents aged 18+, interviewed by telephone, 20 July – 24 September 2006 Source: Ipsos MORI

A reduction in the number of representatives in the assembly requires the answer to the two questions: how many, and which seats?

On the question of how many, regard must be had for the so-called "Troy rule" that the number of those in the non-executive must be greater by a margin of 10% (rounded up to the next whole number) than the number in the executive. The current number of ministers and assistant ministers requires a minimum membership of

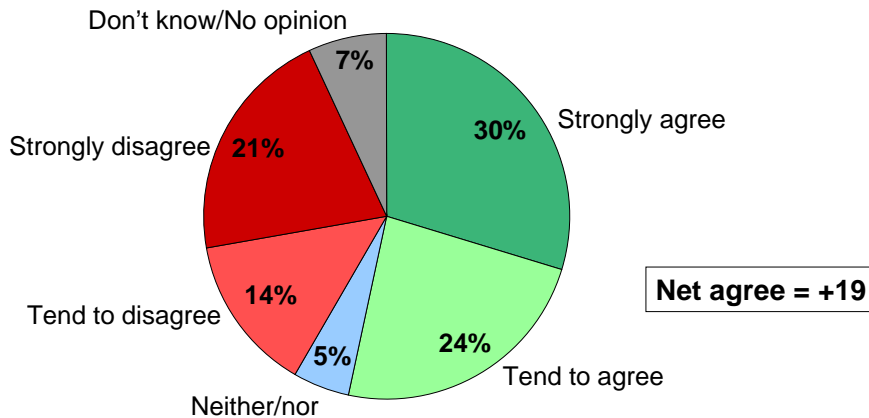
49 members.

Position of Constables

Although the MORI poll revealed that the role of the Constables was the best understood of the three States offices, it was notable that the position of the Constables in the States provoked the fiercest division of those surveyed.

Chart 23 – Parish constables

Q To what extent do you agree or disagree that Parish Constables should remain as members of the States?



Base: 1,295 Jersey residents aged 18+, interviewed by telephone, 20 July – 24 September 2006 Source: Ipsos MORI

Substantial numbers would strongly differ over the role of the Constables in the States. I believe that this split is not brought about by the perceived abilities and qualities of the current holders of this office but rather on their “ex-officio” status. There can be no doubt that there is a dual role attached to the position of Constable; to be both the “father of the parish” and one of its representatives in the States, is in most cases onerous, and many will openly state that their first allegiance is to their parish.

This proposal removes the “*ex officio*” status from the Constables. From the General Election in 2008 onward, any Constable who desires to serve as a States Member should have to stand for election to the States in the same manner as anyone else with such ambitions (probably as Deputy of their parish).

There are those who will see this as an attempt to remove the Constable from the States, but it can equally be seen as an opportunity to endorse their position. If the electorate were to turn out to support their Constable for election as their representative, then we could see all 12 Constables *elected* to the States.

Abolishing the (ex-officio) position of Constable as a category of States Member would remove 12 automatic places from the States and create a States Chamber of 43 Members. This move would satisfy the electorate’s desire for a numerically smaller States, but it would break the “Troy rule” that in ministerial government the number of non-executive members should exceed the number in the executive (Ministers and their Assistants) by a margin of 10%. This amendment therefore proposes that an additional 8 deputy positions should be created, to be distributed appropriately and fairly across the parishes according to population, perhaps as follows:

Table 1.2: Parish Population and Density

Parish	Population 2001 Census	Percent of total	Current representation	Proposed representation	Ratio reps/popn.
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lier	28,310	32	11	12	1:2360
viour	12,491	14	6	5	1:2500
elade	10,134	12	4	4	1:2530
ement	8,196	9	3	3	1:2730
ille	4,702	5	2	2	1:2350
wrence	4,702	5	3	2	1:2350
ter	4,293	5	2	2	1:2150
en	3,803	4	2	2	1:1900
rtin	3,628	4	2	2	1:1810
y	2,718	3	2	1	1:2720
m	2,618	3	2	1	1:2620
ry	1,591	2	2	1	1:1590
EY	87,186	100	41	37	

(Parishes are ordered by size of population. Percentages do not sum to 100 due to rounding to the nearest whole number.)

There may however be requirement to amend these figures since it is now 5 years since the census was conducted. A substantial level of building has been completed in this period and this may have been sufficient to alter the above populations and proportions.

The overall effect of these changes is to produce an Assembly of 49 members.

There are no financial or manpower implications arising from this amendment.