

Jersey



A Treasured Heritage

A supplement to *The Parliamentarian* to mark the Mid-Year Meeting of the CPA Executive Committee hosted by the States of Jersey, April 2008



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A Special Relationship

Constitutional history and the evolution of the States Assembly

Sir Philip Bailhache, in St Helier.

The Bailiwick of Jersey has a particular relationship with the United Kingdom government which stems from nearly a millennium of historic developments in which it has resolutely defended its sovereignty, recounts the Bailiff.

Sir Philip has been Bailiff of Jersey and President of the States (Speaker) since 1995. He has been a Member of the States since 1972 when he was elected as Deputy of his home parish of Grouville. He was appointed as Solicitor General in 1975, as Attorney General in 1986 and as Deputy Bailiff in 1994.

The States Assembly (*L'Assemblée des Etats*) is not the oldest Legislature in the Commonwealth but it has nonetheless a long and fascinating history. This history is part of the peculiar, and evolving, constitutional relationship between Jersey and the English Crown.

Following the loss of Normandy (of which the Bailiwick then formed part) by King John of England in 1204, Jersey was given a number of constitutional privileges in exchange for the loyalty of the inhabitants. It was to have its own administration and was not to be incorporated into the realm of England. It was to retain its own laws (essentially the customary law of



Sir Philip Bailhache.

Normandy) and to have its own court and judges (the Bailiff and the 12 Jurats elected by the islanders). Two officers of the Crown played pivotal roles in the island's development: the Governor and the Bailiff. The Governor's role was essentially military - he was the Commander-in-Chief of the King's forces and responsible for defence - while the Bailiff's role was that of chief judge and civic head of the island.

A medieval parliamentary beginning

The origin of the States may be traced to the beginning of the sixteenth century. The Royal Court had been the law-making body since the schism with Normandy in 1204. Over a period of time the members of the Court (the Bailiff and Jurats) took to consulting with the representatives of the 12 parishes (the rectors and the ITAL Connétables or mayors) before petitioning the Crown for any change in the law.

By the early 1500s, the three estates of Jurat, Rector and *Connétable* were meeting together for this purpose, and the Island's Legislative Assembly had evolved. It was called *Les Etats de Jersey*, the States of Jersey, in imitation no doubt of the parliamentary Assembly of Normandy, *Les Etats de Normandie*. The minutes were first recorded in 1524, although they remained intermingled with the records of the Royal Court until 1603. The Bailiff, as President of the Royal Court, was naturally also the President of the States. The Governor was also a Member *ex officio* and at that time asserted the right to determine

when the States should be convened.

The stormy period of English history at the beginning of the seventeenth century did not pass the Channel Islands by. Guernsey was more inclined to favour the Parliamentary cause while Sir George Carteret, then both Bailiff and Governor of Jersey, was emphatically a Royalist. Jersey's privateers, clothed with a form of legitimacy by Letters of Marque, plied the English Channel harrying ships flying the flag of Oliver Cromwell. After the execution of King Charles I in London in 1649, it was in Jersey's Royal Square, when the news arrived 18 days later, that his son was formally proclaimed King. Twice during this period the future King Charles II was received in safety in the island. Eventually, however, Cromwell's forces succeeded in reducing the Bailiwick; Carteret surrendered with honour and was permitted to leave for France.

During the eight-year period before the restoration of the monarchy in 1660 there occurred the only attempt to incorporate Jersey into the realm of England. Cromwell sent down a preceptory note, in English, directing that the Bailiwick should elect two representatives to serve as MPs at Westminster. The States considered at length how best to respond, for Cromwell was not a man to be slighted. Eventually, it is said, the reply went out thanking the Protector for his message, but regretting that the Islanders could not understand it, for their language was French. By then Cromwell had more pressing matters in hand and the danger had passed.

In 1660 Charles II was restored to the throne and expressed his gratitude by ordering the manufacture of a magnificent silver gilt mace, four feet nine and a half inches long and weighing 237 ounces. It was presented to Sir George Carteret, once more Bailiff, in November 1663. On the foot knop of the Mace an inscription in Latin is engraved, which reads in translation :

Not all doth he deem worthy of such a reward. Charles II, King of Great Britain, France and Ireland, as a proof of his royal affection towards the Isle of Jersey (in which he has been twice received in safety when he was

excluded from the remainder of his dominions) has willed that this Royal Mace should be consecrated to posterity and has ordered that hereafter it shall be carried before the Bailiffs, in perpetual remembrance of their fidelity not only to his August father Charles I but to His Majesty during the fury of the Civil Wars, when the Island was maintained by the illustrious Philip and George Carteret, Knights, Bailiffs and Governors of the said Island.

At sittings of the States, the Mace is borne ceremonially into the Chamber before the Bailiff and is placed upright in a socket in front of the Chair.

Evolving authorities

In 1771 a Code of Laws was enacted with the sanction of the Privy Council. It included an important provision removing the residual power of the Royal Court to make regulations and ordinances. The process of separating judicial and legislative power had begun, although the Jurats were to continue to sit in the States Assembly for another 170 years.

It was not until the constitutional reforms which followed the liberation from German occupation in 1945 that the Jurats and the rector were removed from the Assembly and replaced by 12 Senators and a number of Deputies. The Assembly still contains three different types of Member: 12 Senators, 12 Connétables and 29 Deputies (a total of 53), but all are elected to office by their different constituencies.

The German occupation, which lasted between June 1940 and May 1945, can be seen in retrospect to have been the seminal event in the emergence of an Assembly which was more democratic and more confident.

Parliamentary government had been effectively suspended during the stifling period of occupation, although the States did continue to meet to agree a budget and occasionally for other purposes. Administrative authority over the civil population was delegated to a Superior Council of eight Members chaired by the Bailiff. Their regulations were, however, subject to the endorsement of the German *Feldkommandant*.

The link with the Crown-in-Council had been ruptured, the Lieutenant Governor had been withdrawn, and the Bailiff authorized to act in his place. The inhabitants of the Bailiwick were effectively on their own.

Liberation then a new international threat

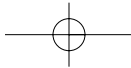
The fresh air of liberation brought a determination to reform ancient constitutional forms. States procedures were revised and Members introduced Standing Orders modelled upon those of the House of Commons at Westminster. As already stated, the composition of the Assembly was restructured.

The Lieutenant Governor remained a Member of the States Assembly, but his functions became essentially ceremonial. By tradition he now speaks only twice during his term of office, the first at the special sitting to welcome him to the Bailiwick, and the second at the sitting immediately before his departure.

Members of the Assembly found a new strength to assert responsibility for the affairs of the island and were encouraged in that aspiration by a benevolent Home Department in the United Kingdom. Social security and health insurance systems were introduced. The professional police force was reformed and a comprehensive tax statute introduced.

The division of constitutional responsibility between the government of Jersey and the U.K. government was in theory straightforward: the U.K. was responsible for the defence of the Bailiwick and for its international representation, and Jersey was responsible for the rest.

In practice the constitutional demarcation line is not always so easy to find. Even in the 1950s international agreements were becoming a source of concern in that the Bailiwick found itself becoming bound by treaties entered into by the U.K. touching upon matters which fell within the sphere of competence of the States. The so-called Foreign Office Letters of 1951 issued by the U.K. Secretary of State for Foreign Affairs made it clear that U.K. procedures would be adapted to ensure that the Bailiwick and the other Crown



Dependencies of Guernsey and the Isle of Man were not "bound by treaties on which they had not been consulted or which, when they were consulted, they did not wish to have applied to [them]".

It was fortunate, from Jersey's perspective, that this process was well established by the time the U.K. negotiated entry into the European Economic Community (EEC) in 1972. Initially it was thought that the choice lay between becoming part of the EEC on the coat-tails of the U.K. and becoming a sovereign state. In fact, it

relationship with Europe.

A world of change

Any small nation, however, which aspires to retain its autonomy, and particularly its fiscal independence, in the shadow of larger nation states, must expect change in what is an increasingly interdependent world.

As the tectonic plates of European and indeed global affairs shift, small states like Jersey can quite suddenly find themselves in a different landscape. So it was with the moves by the Organization for Economic Co-

accordingly did so. Subsequently the government of Jersey has sought, with the agreement of the U.K., to develop its international identity in order to protect its political and economic interests. A number of agreements with foreign countries have been concluded both in the sphere of the EU (the savings tax agreements) and in the context of the OECD (the tax and information exchange agreements).

Where all this will lead is open to discussion. The links with the Crown in right of the Duke of Normandy have lasted nearly 1,000 years. There will be



The States in session with the Bailiff in the Chair and the Mace placed upright in front of him.

proved possible to negotiate an arrangement which later became Protocol 3 to the U.K. Treaty of Accession to the European Communities, now the European Union (EU).

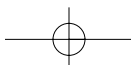
In very broad terms, Jersey and the other Crown dependencies are outside the EU for all purposes except for trade in goods. The protocol is very short but is nonetheless not free from difficulty in terms of interpretation. Yet it has worked reasonably well for the last 45 years and still forms the basis of Jersey's

operation and Development (OECD) and the EU to influence business taxation. The issues raised by those political initiatives are beyond the remit of this article, but they have had constitutional effects in Jersey.

The U.K. recognized that it could not defend the interests of the Bailiwick in the context of the OECD, for its own foreign policy objectives were different from those of Jersey. It was accordingly agreed that Jersey should represent itself in this international sphere, and the Bailiwick

no change in regard to the Head of State. The links through the Crown with the English, and subsequently the U.K., government have also endured for many centuries. So far a *modus vivendi* with the U.K. has been found which allows Jersey to seek to protect its own legitimate economic interests in the international sphere.

Dependency still works, and independence is not on the agenda, at least for the present.



Jersey in the 21st Century

Development of an international identity

Sen. Frank Walker, in St Helier.

The introduction of ministerial government in Jersey in December 2005 heralded the start of the most significant change in the way Jersey is governed for over 50 years. Its Chief Minister describes how the move has led to more effective government, illustrated by a faster response to external issues and the increasing development of Jersey's distinct identity on the international stage.

Sen. Walker is Chief Minister of Jersey and leads the Council of Ministers. He was first elected to the States as a Deputy of the parish of St. Helier in 1990 and then as a Senator with an island-wide mandate in 1996. He has held several executive positions and was elected by the States as Jersey's first ever Chief Minister after the introduction of a ministerial system of government in December 2005.

Jersey's previous system of administration was overseen by a number of committees of the States Assembly (the Parliament of Jersey), each with political responsibility for an area of public services. A comprehensive review of the system in 2000, chaired by Sir Cecil Clothier, supported the widely held view that there was a need for change. The system was considered to be cumbersome, poorly co-ordinated and unable to respond to the rapid pace of change in a modern world, particularly in the international sphere.



Sen. Frank Walker.

Ministerial government

Following a period of public consultation and detailed debate in the States Assembly, a new system of government was devised with the aim of achieving:

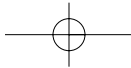
- More efficient decision making;
- Improved communication and co-ordination between government

departments;

- More effective and responsive government;
- Greater accountability for policy decisions;
- Better international representation for Jersey, and
- Improved value for money.

A key change was the establishment of a Council of Ministers led by the Chief Minister and comprising nine Ministers, each responsible for a States department. For the first time, Jersey had in place an effective executive government, charged to deliver the strategic objectives of the States Assembly. The Chief Minister is chosen by the States Members and Ministers are also appointed by the States from among the 53 elected Members.

In the absence of party politics in Jersey, it was also essential to introduce an effective scrutiny process to hold the executive to account. Accordingly, four scrutiny Panels were established covering corporate services, the environment, economic affairs and social affairs (the latter now divided



into two Panels).

The role of the Chief Minister is to co-ordinate policy and strategy across the States, with responsibilities that include Jersey's international relations, constitutional issues (including relations with the United Kingdom Government) and the legislative programme.

The impact of these significant changes in the system of government is exemplified by the way that Jersey has been able to respond more effectively to external pressures and to develop the island's international identity.

In the international arena

To appreciate Jersey's external relations, it is important to understand Jersey's constitutional relationship with the United Kingdom. For historical reasons, Jersey is a dependency of the British Crown, rather than the government of the United Kingdom. Jersey has never been part of the United Kingdom and the British Parliament has no democratic accountability for the island. Jersey therefore enjoys full domestic autonomy and maintains its own separate parliamentary Assembly, laws and courts. Laws adopted by the States are subject to Royal Assent in the Privy Council, and United Kingdom legislation only extends to Jersey by Order-in-Council if agreed by the States.

By constitutional convention, the United Kingdom has responsibility for Jersey's defence and international representation. Nevertheless, the island has decided to make a voluntary contribution to U.K. defence, in the form of a serving Territorial Army Unit - the Royal Militia, Island of Jersey (Royal Engineers) - staffed by Jersey men and women and funded by Jersey at a cost of over £1 million annually.

As the sovereign state, the United

Kingdom ordinarily has responsibility internationally for the conduct of international treaties and conventions that have been extended to Jersey at the island's request. However, the Chief Minister's responsibility for Jersey's international relations represents a significant development, enshrined in the new States of Jersey Law. The preamble to this law, which received Royal Assent in 2005, begins:



The States Building, the home of the States of Jersey.

Whereas it is recognized that Jersey has autonomous capacity in domestic affairs;

And whereas it is further recognized that there is an increasing need for Jersey to participate in matters of international affairs;

And whereas Jersey wishes to enhance and promote democratic, accountable and responsive governance in the island and implement fair, effective and efficient policies, in accordance with the

international principles of human rights....

Accordingly, the Chief Minister is now charged in the law with the duty of "conducting external relations in accordance with the common policy agreed by the Council of Ministers".

Working with, but separately from, the U.K.

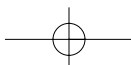
One of the ways that this duty has been given effect has been to agree a new framework with the United Kingdom for the development of Jersey's international identity. A key document, signed on 1 May 2007 by the Chief Minister and the U.K. Secretary of State for Constitutional Affairs, clarifies the constitutional relationship as follows:

- The U.K. will not act internationally on behalf of Jersey without prior consultation.
- The U.K. recognizes that the interests of Jersey may differ from those of the U.K., and the U.K. will seek to represent any differing interests when acting in an international capacity. This is particularly evident in respect of the relationship with the European Union where the U.K. interests can be expected to be those of an EU member state and the interests of Jersey can be expected to reflect the fact that U.K. membership of the EU only extends to Jersey in certain circumstances as set out in Protocol 3 of the U.K.

Treaty of Accession.

- Jersey has an international identity which is different from that of the U.K.
- The U.K. recognizes that Jersey is a long-standing, small democracy and supports the principle of Jersey further developing its international identity.

The document then sets out the commitments of the U.K. and Jersey governments to dialogue and to support each other in their



international relations and in developing Jersey's international identity.

The finance industry

The relevance of the international identity and recognition of the separate interests of Jersey and the U.K. have been highlighted by the pressures that Jersey has faced from the international community regarding its key industry – international finance.

It should first be stressed that, while Jersey is a low-tax jurisdiction, it has never had banking secrecy laws to protect the anonymity of investors, or promoted itself as a "tax haven" to enable the evasion of taxes that are legitimately due to other governments.

A number of revisions of the regulatory regime have been implemented since the "Edwards Report" on financial regulation in 1998. Following a review by the International Monetary Fund in 2003, Jersey was rated as almost fully compliant in terms of its regulatory standards and anti-money-laundering measures.

However, in recent years Jersey's finance industry has been challenged to provide greater transparency in its

transactions, including demands from the EU for disclosure of the savings held in Jersey on behalf of EU resident investors, and Organization for Economic Co-operation and Development (OECD) initiatives to eliminate so-called harmful tax competition.

It was clear that Jersey was not (and continues not to be) a member of the EU and was not legally bound to comply with the EU Savings Directive. Nevertheless, in the interests of maintaining Jersey's excellent reputation in the international finance world as a co-operative jurisdiction committed to international standards, Jersey's government put in place a programme in partnership with the finance industry to meet the EU requirements.

The OECD initiative proposed that Jersey, alongside many other jurisdictions, introduce the effective exchange of tax information. The negotiation of such bilateral agreements is now being pursued by the island's government with all interested OECD nations. A key feature of these agreements is that, since the U.K. does not have responsibility for Jersey's fiscal or economic policy, Jersey itself is

responsible for negotiating, concluding and fulfilling the obligations arising under these agreements with other countries.

Jersey can demonstrate that it is now at the forefront of international regulation and is well positioned for any future changes. The island remains highly regarded as a reputable international financial centre with a sophisticated and well-regulated finance industry.

A new strategy

Jersey's new ministerial government has been proactive in addressing these challenges in a way that almost certainly would not have been achievable under the previous committee system. The ability of ministerial government to respond effectively and rapidly to the international challenges has been vital for the continuing confidence of the financial services industry in the island.

A significant consequence of the changes in Jersey's international finance industry is a projected loss to the island's economy of some £80 million to £100 million annually. However, the Council of Ministers has been able to obtain the States' agreement for a



The ministerial system is helping Jersey to fly the island's flag even higher in the international community.



The Banner of Arms of the Sovereign of England hangs above the Bailiff's Chair.

fiscal and economic strategy to address the challenges and to secure the future prosperity of the island. This included reducing the island's dependence on direct taxation with the introduction of a new three-per-cent sales tax in 2008 - an innovation for Jersey. The aim is to maintain a low inflation rate, below 2.5 per cent, while improving productivity to help create real economic growth in excess of two per cent a year. The Council of Ministers has also trimmed £35 million, annually, off public expenditure and reinvested this in providing a range of first-class public services.

Since the introduction of Jersey's new system of government, the Council of Ministers has consulted widely to crystallise what Jersey people value most about their island. This has been translated into a Strategic Plan which recognizes the critical choices that are required to safeguard the best and improve the least satisfactory aspects of life in the island. The current strategy aims to grow Jersey's stature in the world and to be

ambitious, confident and forward looking. It has addressed the domestic issues too, including investing more in supporting those who are in real need, providing good education for children and tackling social inequity and discrimination. This has required the Council of Ministers, working as a team, to consider the difficult priorities for the island as a whole above the interests of their individual departments.

Positive achievements

Evidence of the success of Jersey's new government is beginning to be seen:

- The island's economy is growing at the healthiest rate for many years;
- The fiscal strategy has been endorsed by independent economic experts;
- Even after the introduction of the fiscal strategy, Jersey will remain one of the lowest taxed jurisdictions compared with OECD countries;
- Public sector expenditure has been

focused primarily on health, education and social care;

- Sustainable economic stability is being safeguarded by investing current revenue surpluses into a newly formed Stabilization Fund, and
- The island's international identity continues to develop as a recognized and respected jurisdiction.

Overall, the position of Jersey both internationally and domestically represents a remarkable achievement. But Jersey cannot be complacent: there are signs that the global economy is much less certain that it has been; the international political scene has experienced some major setbacks, and Jersey continues to face fierce competition.

Jersey's government is working to a strategic plan and, with the new ministerial arrangements, it can respond quickly and effectively to any change that may come its way.

“Critical Friends”

Scrutiny and the Public Accounts Committee in the new system of government

Dep. Sarah C. Ferguson, *in St Brelade.*

An effective executive needs effective parliamentary scrutiny, something Jersey's new system of government is now able to provide in abundance - whether Ministers like it or not, says the Member who chairs one of the States' key scrutiny committees.

Deputy Ferguson has been Chairman of the Public Accounts Committee since its formal establishment in December 2005 as part of an overall package of government reform. In 2007, she was also elected as President of the Chairmen's Committee which oversees the scrutiny function and brings together the Chairmen of the five scrutiny panels, the Chairman of the Public Accounts Committee and two other States Members. She has been a Deputy for her home parish of St Brelade since 2002.



Dep. Sarah C. Ferguson.

The change to ministerial government brought in its wake dramatic changes to the way in which the States Assembly operates.

The Clothier Review of the Machinery of Government in 2000 recommended that there should be a change from the committee system of government to a ministerial system. Under the committee system, virtually every Member of the States served on a committee and was therefore directly

involved in government. Clothier did not consider that this provided the most efficient or effective government recommended a change from committee to executive government. Importantly, the review recognized that an effective democracy requires not just an executive but also the balance of a strong Assembly which holds the executive to account and scrutinizes its actions as well as contributing to the formation of policy.

It was proposed that the essential balance would be provided by a scrutiny function which would be comprised of those Members not in the executive. Scrutiny was not intended to be either adversarial or destructive. Further, the report stated that "those who are in the executive side of government would find it better to seek the assistance and make use of those Members who are not in the executive rather than be at loggerheads with them" as the changes were designed to place the executive in a minority. It should be noted that this is all effected within the context of a non-party States Assembly.

These changes required a sea change in the thinking of States Members whether in the executive or in scrutiny. Ministers inherited an existing infrastructure whilst scrutiny needed to develop their own systems. There has therefore been a three-pronged educational programme. First, it has been necessary to ensure the executive understands the function of scrutiny. In the context of this, scrutiny is described as fulfilling the function of a "critical friend".

Secondly, it has been necessary to

educate the Members of scrutiny and their support staff in their role and, thirdly, it has been essential to explain to the electorate how and what scrutiny does.

New structure and an old idea

The framework set up for scrutiny was, originally, four panels and a Public Accounts Committee. Because the concept of scrutiny was totally new, there was a "Shadow" stage during the final period of committee government. This gave some practice in the operation of a scrutiny function and an opportunity to undertake some training prior to the final change to executive government.

Once executive government commenced, it was realized that the remit of some panels was too broad for effective scrutiny and a fifth panel was set up.

The structure and terms of reference of scrutiny and the Public Accounts Committee are set out in the Standing Orders of the States. Effectively, the scrutiny panels deal with policy and the Public Accounts Committee deals with the utilization of resources following that policy. Scrutiny will normally interview Ministers and the Public Accounts Committee will normally interview accounting officers.

Each of the panels and the Public Accounts Committee has a Chairman who is elected by the States. Should there be a contested election, each contestant addresses the Assembly for 10 minutes and is then questioned by the Assembly for 20 minutes. Following these elections, the States will then elect the Members of the panels. Each scrutiny panel may have up to four Members. If more than four are proposed, there is a straightforward election.

The Public Accounts Committee is structured differently. There shall be no less than two Members of the Public Accounts Committee who are selected from the elected Members; but there shall also be appointed an equal number of independent members drawn from business and industry. In an island with limited representation and a small population, we have found that the addition of the independent members is invaluable and brings an expertise and wealth of experience gained from business to apply to the financial affairs of the States. As far as we know this practice of appointing independent members is



The new scrutiny system is designed to improve accountability to the public.

found only in Guernsey and Kiribati as well as Jersey.

Work of the scrutiny panels and the Public Accounts Committee is co-ordinated by a Chairmen's Committee which is composed of the five scrutiny panel Chairmen, the Chairman of the Public Accounts Committee and two independent Members. The President of the Chairmen's Committee is elected by the States, under the same procedures as the Panel Chairmen as described previously. This Committee meets monthly and acts as a forum for all scrutiny matters.

Under the Jersey system, scrutiny panels can form sub-panels to undertake scrutiny reviews. This allows Members of different panels to participate in reviews into cross-ministerial issues and can include those non-executive members who do not sit on a scrutiny panel. Members of one scrutiny panel can be Members of other scrutiny panels or the Public Accounts Committee, with the exception of the Chairmen.

Operational knowledge

Under the committee system, most Members were on at least two committees. This gave Members an insight into the workings of States departments and direct access to staff working in their respective areas. Additionally, the social effects of being on a committee meant that Members had

direct access to Members with knowledge of other States departments. A new member could quickly build up an understanding of the entire States system. Under the ministerial system, new Members – either on scrutiny or in the executive – do not have this particular access to knowledge. The sub-panel system can allow scrutiny Members to build up their knowledge of different departments to a certain extent.

At present, any Member who is on the executive cannot be a Member of a scrutiny panel or sub-panel. Serious consideration is being given to allowing Assistant Ministers to join panels or sub panels which are not in their ministerial remit in order to ensure that they can gain the same knowledge of the overall States system. This would also reduce the possibility of scrutiny becoming adversarial and divisive.

Apart from the addition of the independent members, the Public Accounts Committee operates in much the same manner as established committees in jurisdictions such as the United Kingdom. The Comptroller and Auditor General, a new post set up as part of the changes, produces reports which are reviewed by the Public Accounts Committee.

If the Public Accounts Committee considers that any of the issues raised in the reports are of public interest then there will be a public hearing at which

the committee will question the relevant senior civil servant (chief officer) for the relevant department. The committee will then issue its report.

Scrutiny panels can pick up a review of new policy at any stage, from the pre-Green Paper to the debate in the Assembly. Scrutiny panels will interview Ministers and relevant witnesses, who may be members of the public, regarding the proposed policy or the effects of an existing policy.

The conduct of the Public Accounts Committee and the scrutiny panels is governed by a Code of Conduct which is due to be debated in February.

Getting started

Scrutiny has perhaps been slower to find its feet than the executive. This is not surprising when one considers that the executive merely continued with an existing infrastructure but scrutiny has had to develop an entirely new system.

As with any new system, there have been matters to iron out to facilitate the smooth running of the new system. Some of these are purely concerned with the running of the scrutiny function, and some relate to the interaction between the executive and scrutiny. Not surprisingly, the biggest bones of contention concerned relationships between the executive and scrutiny.

Under the committee system, all Members sitting on committees could be considered to be part of the government. The change to a ministerial system means that there is a clearly defined executive which constitutional lawyers consider to be the government. This has been one of the most difficult concepts for Members to understand.

Like Guernsey, Jersey has a non-party Assembly. Under the committee system, the questioning of a policy tended to be a lone Member opposing one or more committees. The scrutiny system provides a solid platform for one or more scrutiny panels to question the executive. This provides a more effective means of questioning policy.

Friendly fire

Under the committee system, the President of the committee had the benefit of four to six independent members who reviewed and questioned a policy before it was brought to the States. This no longer exists as the Minister and

his or her appointed Assistant Minister can discuss policy only with their civil servants and the Council of Ministers before bringing it to the Assembly for debate. As a result the only critical and independent questioning of policies will come from the scrutiny panels.

Not only have the scrutiny reports been intelligently prepared on the basis of evidence, but they have also informed the entire Assembly on a particular topic. This has led to an improvement in the quality of debate, although the criticism has not always been welcomed by the executive.

The executive is gradually learning that the scrutiny concept of a "critical friend" does not mean that that friend will always support the view of the executive unquestioningly. It is also not possible to ignore 100 pages of a carefully reasoned report based on evidence in the same way that one might ignore a lone Don Quixote.

In a system lacking a formal opposition, there is pressure for scrutiny to act as such. Currently it operates in a so-called consensus political structure and the executive has yet to fully accept that the critiques of scrutiny have to be taken seriously if consensus is to work. Sometimes, its reports are politicized by the executive as a way of deflecting attention from their validity.

If this happens too often, it could lead to scrutiny feeling frustrated and Members taking a more oppositional stance.

Requiring Ministers to respond to scrutiny

It has also become obvious that there must be better communication between the executive and the Chairmen's Committee, particularly to iron out any problems that arise. It is for this reason that a working group has been set up, comprised of the Chief Minister, another Minister and the President and Vice-President of the Chairmen's Committee.

This group has already brought an important piece of work to fruition: there is now an agreed protocol for Ministers responding to scrutiny panel reports. This is extremely important. Without formal follow-up procedures, the executive could ignore scrutiny reports. Under the Jersey protocols, Ministers must make a summary reply to the report within six weeks of publication with a detailed reply within three months. This reply should

comment on the recommendations in the report and explain reasons for rejecting recommendations and should identify recommendations which will be accepted.

In some respects, the fact that the guidelines for scrutiny are broad-brush rather than detailed has been an advantage: it has allowed the panels and the Public Accounts Committee to adopt new techniques in obtaining evidence and presenting the message to the public. Some of these have been highly innovative and have caused an occasional raised eyebrow.

Scrutiny panels have organized exhibitions, taken stands at trade shows, held hearings in parish halls and have attended conferences. There has also been a joint initiative with the Education Department to raise youngsters' awareness about the role of scrutiny and ministerial government as part of the citizenship programme in schools. Scrutiny has also started to publish its own newsletter.

As part of the drive to transparency, all transcripts of scrutiny hearings and virtually all minutes of meetings are published on the scrutiny and Public Accounts Committee websites which were launched during 2007 - www.scrutiny.gov.je and www.pac.gov.je.

All of these approaches have emphasized the theme that scrutiny is there to hold the executive to account and the Public Accounts Committee is there to hold the senior civil servants to account. This is a new concept for Jersey and one which has been welcomed by the public.

Conclusion

Scrutiny is an extremely important feature of the new executive style of government. It provides the means of an objective appraisal of policy and the holding of Ministers and senior civil servants to account. It also involves the public as witnesses, as contributors and as an audience.

Under the committee system, it was considerably more difficult to attribute accountability. The new system identifies accountabilities and allows for constructive questioning. The value of the change will become more apparent as time goes on.

There will be more challenges, but scrutiny is more than ready to meet them.

Adding Value

The Jersey economy in 2007

Sen. Philip F.C. Ozouf, in St Helier.

After some difficult years early in this millennium, Jersey's economy is once again growing strongly as States' initiatives promote business development and plan for future ups and downs in all sectors of the island's economy, says its Economic Development Minister.

Sen. Ozouf is Jersey's Minister for Economic Development. He has been a Member of the States since 1999 when he was elected as a Deputy for the parish of St Helier. He was elected as a Senator in 2002.

The economy of Jersey is currently experiencing exceptional growth, with progress shared across almost every sector and not just confined to the vibrant financial services sector.

Recent States of Jersey investment in its Economic Growth Plan is already producing results with an increase of more than six per cent in both the tourism and construction sectors in 2006, the latest year for which statistics are available. A re-focusing of States business support and closer engagement with island producers even resulted in a three-per-cent real-terms growth in agriculture, the first positive growth for over six years.

- Jersey has experienced strong economic growth – gross value



Sen. Philip F.C. Ozouf.

added growth of 6.6 per cent in 2006 and maintained this momentum into 2007,

- Inflation has remained below the States target of 2.5 per cent,
- Strong growth in employment – up 3 per cent in the year to June 2007,
- Success of the economy reflected in very high gross national income per capita,
- The economy is well prepared to

meet future challenges

Jersey continues to remain one of the most productive economies in the world. Throughout the 1980s and 1990s, Jersey's rate of economic growth was well above that of most of its industrialized competitors, fuelled by a successful financial services industry now accounting for half of all economic activity in Jersey, employing nearly a quarter of the island's workforce and eliciting an indirect contribution from businesses closely tied to the sector.

As Figure 1 shows, income per head in Jersey is double that of the average of the Euro-zone countries and more than six times the global average. Living standards in Jersey are high and economic prosperity has provided a high standard of public services for Island residents.

Since the last visit of the CPA Executive Committee in 2000, however, a lot has happened in Jersey's economy.

A full economic cycle

In terms of its level of overall economic

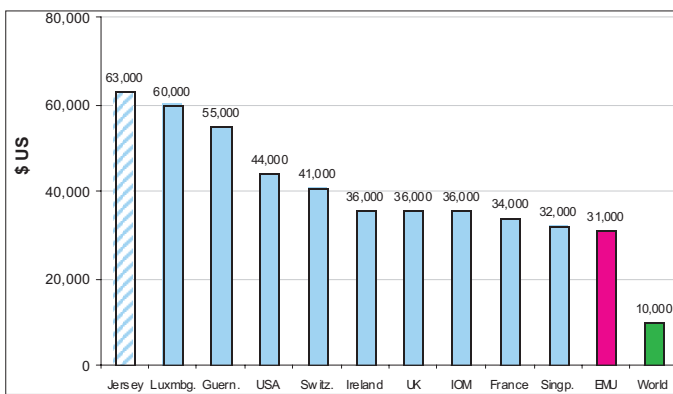


Figure 1: Jersey GNI per capita in 2006 (PPP US\$) Source: States of Jersey Statistics Unit

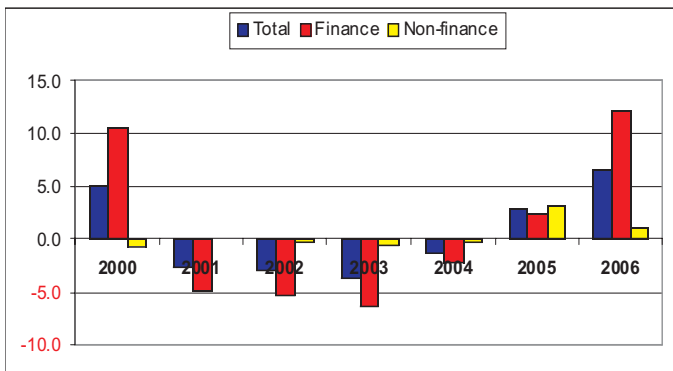


Figure 2: The economy saw strong economic growth in 2006 - per cent change in GVA constant prices. Source: States of Jersey Statistics Unit.

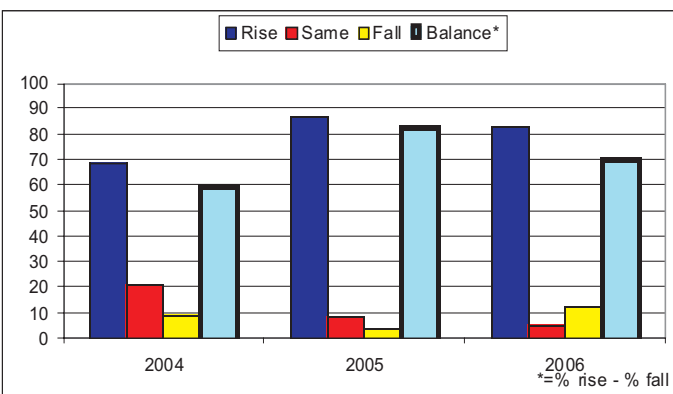


Figure 3: Profit expectations (weighted by manpower) Source: States of Jersey Statistics Unit.

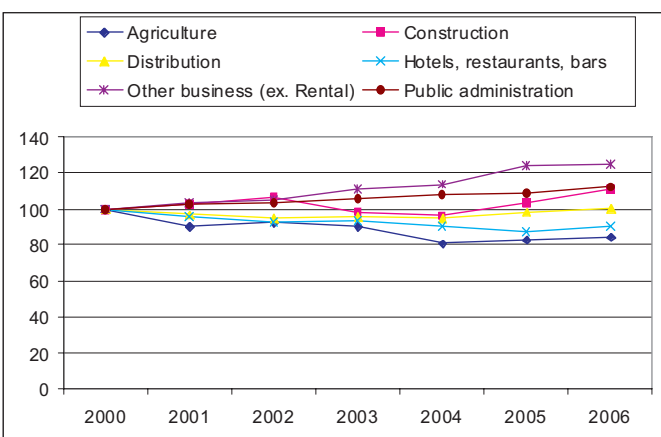


Figure 4: Performance of non-finance sectors - (GVA constant prices, 2000=100) Source: States of Jersey Statistics Unit.

activity as measured by gross value added (GVA), Jersey saw a period of real economic decline of two to three per cent for a few years after the turn of the millennium. This was brought about

by downturns elsewhere in the global economy coinciding with that in the financial services industry. As figure 2 shows, the economy stabilized in 2004 and returned to real growth in 2005 - the growth being broad-based with both the finance and non-finance sectors

contributing significantly. Real GVA grew sharply in 2006, with the finance sector contributing the most, reporting profit increases of over 20 per cent in real terms for the year.

Data collected from financial institutions last year showed that profit expectations continued to be very optimistic with more than 80 per cent of them (Figure 3) expecting profits to rise in 2007. However, with the sub prime market events in the U.S. and the effects of the credit crunch on the world economy since

then, we know there is much more uncertainty looking to the future, despite Jersey's areas of financial services speciality likely to being only minimally impacted.

Support from the rest of the economy

Outside financial services, some sectors have been more successful than others. The "Other business activities" sector including architects, cleaning services, advertising, security and personal services has been the most successful, increasing in real terms by about 25 per cent since 2000. Ten per cent of this growth was in 2005 alone, reflecting a high degree of interdependence with financial services and being responsible for much of the non-financial sector growth performance.

Another key contributor to growth has been the construction industry. Generally, the construction industry's performance is more volatile than other industries reflecting its cyclical nature. Indications are that the levels of activity in 2006 continued through 2007 and into this year, as large-scale development gets underway on the St Helier Waterfront.

Wholesale and retail activity picked up recently, reversing small falls in previous years, with the sector benefiting from growth in fulfilment activity and higher disposable incomes resulting from the improved performance across the economy.

The hotels, restaurants and bars sector saw some growth in 2006 after declines in recent years at a rate of about three per cent a year. Tourist numbers have stabilized, though tourists are typically staying in Jersey for shorter periods of time. By the end of 2007, the number of arrivals to Jersey by air and sea had increased by about 4.5 per cent on the previous year, reaching the 1,000,000 figure, helped by growth in the conference and business visitor market. There are positive signs of optimism for the future with some significant hotel investment projects recently completed and more planned in the next few years.

Agriculture is another sector that did not perform so well after 2000 - its GVA declined by almost 20 per cent up to 2004 during a period of significant restructuring. Subsequently, there has

been some slight growth reflecting a new approach to the rural economy. While the sector only makes up a small proportion (1.4 per cent) of Jersey's GVA, it is nonetheless an important part of the social and environmental fabric of the island, widely known internationally for the Jersey cow and Jersey Royal potato.

Success in tackling inflation

The latest figures show that in September underlying inflation RPI(X) (RPI excluding the cost of house purchases) increased by 2.2 per cent during the year, which is within the States' 2.5 per cent target level. RPI(X) has been within 0.5 percentage points of the States' target level for all but two quarters in the last three years, as shown by Figure 6.

Despite success at keeping inflation down over the past few years, it remains an issue of concern to policy-makers in the island, with high inflation in Jersey creating uncertainty and potentially undermining efficiency and the competitiveness of businesses in international markets.

The trend rate for RPI in Jersey over recent years has been around 4 per cent and has been more volatile, with changes in Bank of England base rates playing a significant part. The four separate 0.25 per cent increases in the base rate over the last eighteen months or so will help to contain inflationary pressure in the longer term. However, there has already been one subsequent reduction in the base rate in response to the effects of the credit crunch and there may be more to come.

Average earnings increased by 4.7 per cent during the year to June 2007, which was more than the underlying rate of inflation and reflected improved productivity in the finance industry and wider economy.

Employment increasing

Employment in Jersey has been close to 50,000 people since 2000, fluctuating with economic activity levels. Recently though, employment has increased markedly (to 51,750 people) - mostly through greater participation by local people and partly through inward migration. The recent growth has been predominantly in the finance and construction sectors, reflecting growing

confidence in the strength of the Jersey economy. The increase in activity in construction will also bring important supply-side improvements. The ILO unemployment rate in Jersey is just above two per cent.

Changes in employment tend to lag behind changes in economic growth, so the continued increase in employment is an indication that the economy maintained its momentum in the first half of 2007 at least.

House prices rise

Housing costs account for a substantial part of typical household expenditure in Jersey. Figure 7 shows that prices in the housing market were stable between 2002 and 2004, but more recently average house prices have started to increase - three per cent in 2005, 6.5 per cent in 2006 and 10 per cent (based on the first three quarters) in 2007. This compares with the experience in the U.K., where average house price increases were 49 per cent between 2002 and 2004, three per cent during 2005, almost 10 per cent in 2006 and 11 per cent in 2007.

The overall average (mix adjusted) price of dwellings sold in Jersey in the third quarter of 2007 was £421,000, up

18 per cent on the 2006 level. While this is good news for home owners, it also raises affordability issues with earnings growth clearly not keeping pace with that of house prices.

Challenges for the future

With strong economic growth, high employment, low inflation and a new Stabilization Fund, Jersey remains in a very strong position to face the

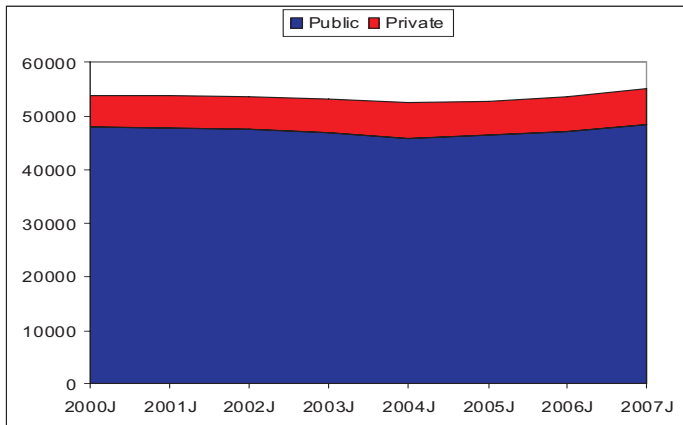


Figure 5: Employment up once more in the private sector - Private and public sector employment in December of each year. Source: States of Jersey Statistics Unit.

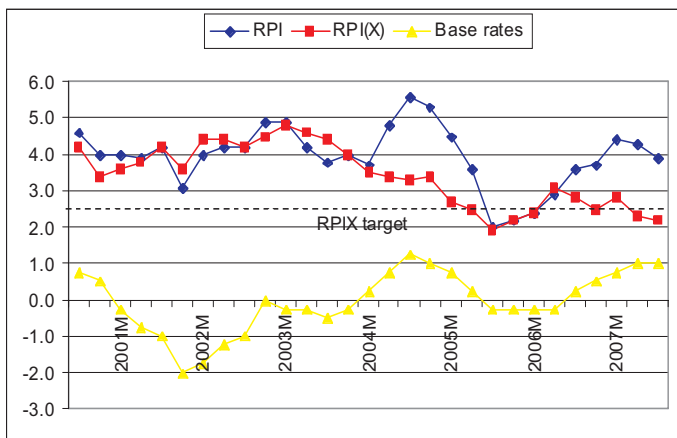


Figure 6: RPI(X) generally within 0.5 per cent of target in the last few years. Source: States of Jersey Statistics Unit..

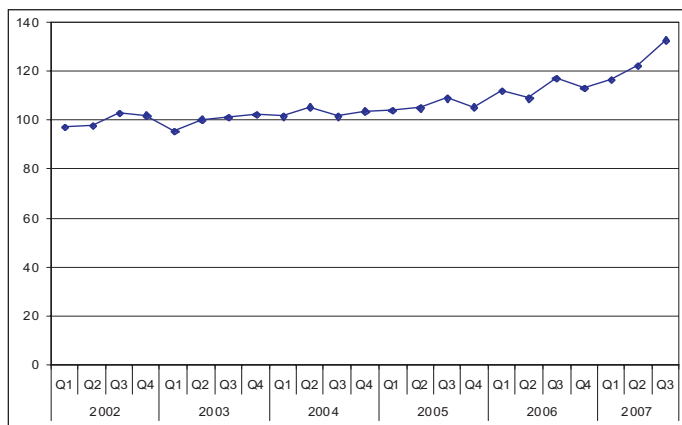


Figure 7: Jersey House Price Index (Average for 2002 = 100) Source: States of Jersey Statistics Unit.



Agriculture, including growing the renown Jersey Royal potato, is important socially and environmentally and is now also a growing contributor to the economy.

challenges of the future. Efforts by the States to diversify as well as grow the economy will help provide increased stability and counter-balance any future cyclical downturn in the financial sector.

Fiscal regime changes - There are some fundamental changes to Jersey's fiscal regime planned and in progress. A move to a "0/10" corporate system of taxation (a standard rate of corporate income tax of zero per cent and a special rate of corporate income tax of 10 per cent for specified financial services companies such as banks) is planned for 2009. This will allow the financial services industry to continue to prosper in the future, thus minimizing the effects of growing international competition and European Union rules on harmful tax practices.

To address the resulting fiscal deficit, the island has put a package of measures in place, including making government efficiency savings, reducing tax allowances for higher earners and introducing a simple, broad-based three-per-cent Goods and Services Tax. GST has a number of advantages relative to other taxes in that it excludes exports and includes imports, and it will make future tax revenues more stable and predictable.

Promoting economic stability - In 2006 the States agreed, as part of the Economic Growth Plan, to a new fiscal framework for Jersey that will help to improve economic stability and control inflation in future by making fiscal policy more countercyclical than it has

been in the past. This includes the creation of a Stabilisation Fund with money being transferred in or out as appropriate each year and the establishment of a Fiscal Policy Panel made up of three independent leading economists. The Panel will publish an annual report from 2008 onward covering their views on economic conditions and States' finances. It will advise on whether economic conditions merit running surpluses or deficits and whether funds should be moved into or out of the Stabilization Fund.

Credit crunch - The global credit crunch precipitated by developments in the U.S. sub prime market means that the uncertainty surrounding the global economic outlook is greater now than in recent years. We do not yet know

how the credit crunch will play out. While the world economy has ridden through many previous financial crises unscathed, it is too soon to say whether this will be the outcome this time.

As ever, the fortunes of the Jersey economy will be determined to an extent by how things play out on the global stage. Whatever the outcome of the credit crunch, our policy focus on containing inflation and improving efficiency and productivity will allow our businesses to grow their market share and maximize the island's economic performance.

Ageing population - As with a number of other developed economies, Jersey faces an ageing population issue. Our research shows that over the next 30 years the decline in the birth rate and rise in life expectancy will mean fewer people of working age and more people over retirement age. The government is consulting the public on what the policy response should be and how islanders view the options available, such as economic growth, working longer, paying more tax and social security or allowing more people to live on the island.

Despite the known challenges discussed previously, Jersey remains well placed to secure above-average future economic growth, based upon growth within its internal market and through States initiatives underway to support local businesses in securing increased levels of value-added business from export markets.



The island's history and its scenic coastline are contributing to a tourism revival.

Citizenship Versus Apathy

Engaging young people in politics and society

Sen. Mike E. Vibert, in St Helier.

Facing declining voter interest and a population that was opting out of involvement in running its own community at all levels, Jersey launched an extensive citizenship programme, including reducing the voting age, to try to get young people into the habit of being involved, writes Jersey's Education Minister.

Sen. Vibert is Jersey's Minister for Education, Sport and Culture and is also Chairman of the Executive Committee of the Jersey Branch of the CPA. He was first elected to the States as a Deputy of the parish of St Brelade in 1996 and elected as a Senator in 2002.

How do you generate and maintain young people's interest in their community to the extent they actively engage in it through the ballot box?

Jersey, in common with many mature democracies, faces the challenge of falling voter participation rates and attempts to turn this round are being made by efforts to interest young people from an early age to become active citizens. This is being pursued in a variety of ways to try to ensure the potential voters of the future participate more than the current voters who often record turnouts of below 40 per cent.

There is a new citizenship programme being run in all island schools, the voting age has been



Sen. Mike E. Vibert.

lowered to 16 and each year Jersey holds its own Youth Assembly.

Teaching citizenship

As Minister for Education, Sport and Culture, I have been particularly involved in developing a citizenship programme for all schools in the island which is now part of the curriculum. This programme involves young people learning about their community from

arrival at school at the age of 5 or earlier until they leave some 11 to 13 years later.

In September 2005, I commissioned a review of citizenship teaching in Jersey schools to inform future curriculum developments in respect of the island's democracy, current affairs and its political system.

Following this, further work was commissioned to:

- Construct a programme of study in citizenship for all key stages;
- Provide guidance to schools to ensure that the programme was explicit in terms of knowledge, skills and understanding;
- Encourage an "active" approach to learning about citizenship, and
- Develop resources to support the delivery of the curriculum.

Amongst all of those consulted, a common view emerged that, whilst recognizing existing cultural diversity, it was essential for young people to learn about the social structure and organization of the community in which they are living.

The maintenance of a democratic society relies upon its citizens being:

- Aware of their rights and responsibilities;
- Informed about the social and political world in which they live;
- Tolerant and respectful of diversity;
- Concerned about the welfare of others;
- Articulate in their opinions and arguments;
- Aware of constructive ways to influence events, and
- Responsible in how they act.

Developing social skills

Whilst aspects of citizenship may be picked up through ordinary experience in the home, club, or general social experiences, these can never in themselves be sufficient to equip citizens for the active role required of them in today's complex and diverse society. These positive attitudes do not develop unaided. They have to be learned. Their teaching needs to be part of the school curriculum in all phases of education.

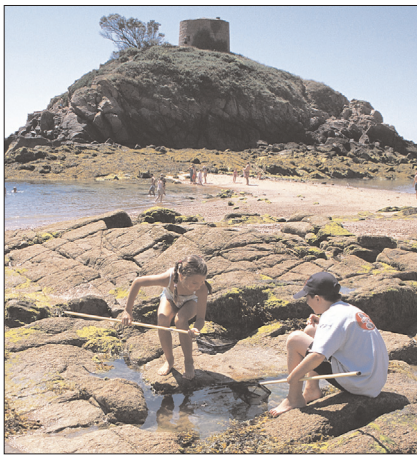
Through promoting relevant knowledge, skills and attitudes, effective education for citizenship seeks also to address the challenges faced by most developed societies, including Jersey. These challenges include:

- Increased migration, resulting in greater cultural diversity in local communities. Within multinational democracies there are tensions between the desire to promote a unique sense of belonging and the need to support a diverse range of cultural backgrounds. Such unity-diversity tension needs to be addressed in order to avoid fragmentation and conflict;
- The decline in traditional forms of civic cohesion, termed a "democratic deficit". Alienation, apathy and cynicism about public life and participation, amongst the population in general and specifically young people, are potentially leading to disconnection and disengagement with the community in favour of the pursuit of purely personal goals;
- The breakdown of established "common values", which is creating a vacuum in which prejudice,

intolerance and discrimination can flourish, and

- The concentration of power into larger, centralized units, which is increasingly leading to individuals feeling disempowered, with no meaningful influence over the events that shape their daily lives.

Citizenship was already a key component in the island's Personal, Social and Health Education (PSHE) curriculum, but Jersey chose not to establish citizenship as a separate subject, leaving it as a strand within the overall PSHE curriculum.



Children on the beach at Portelet.

Starting young

At primary school level, ages 4 to 11, these strands are:

1. Developing self-esteem, confidence, independence and responsibility and making the most of their abilities;
2. Preparing to play an active role as citizens;
3. Developing a healthy lifestyle and keeping themselves and others safe, and
4. Developing effective and fulfilling relationships and respecting the differences between people.

At key stages three and four, ages 11 to 16, the "citizenship" strand became:

Developing knowledge and understanding about being informed citizens, including a sense of justice, through active participation and enquiry.

It is essential to recognize that these

changes reflected a fundamental change in the way that citizenship would be taught in schools. Whilst knowledge of civic institutions remained an important element, the focus shifted to developing the skills and values required by young people in order for them to become active members of their community.

It is for people to think of themselves as active citizens, willing, able and equipped to have an influence in public life and with the critical capacities to weigh evidence before speaking and acting. It seeks to build on and extend radically to young people the best in existing traditions of community involvement and public service, and to make them individually confident in finding new forms of involvement and action.

Getting involved

Decline in community involvement has been identified as a challenge facing most developed nations. A study in the United States into the decline in "social capital", or communal activity, identified significant reductions not only in areas such as voting and standing for honorary posts, but also virtually all leisure activities that involve doing something with someone else, from communicating with neighbours to going to the theatre, to playing chamber music.

Jersey is not immune from this process, which has also been identified in the Education, Sport and Culture document "Developing a Cultural Strategy for the Island". Reinvigorating our own stock of "social capital" will require a commitment to devise and implement a co-ordinated, coherent and comprehensive approach. The provision of an effective teaching programme for citizenship in local schools is part of this long-term strategy.

The real test of all aspects of the teaching of citizenship is its influence on behaviour: it is not so much what people know, but what they do. Research conducted in other countries has indicated that effective programmes of study which have a continuing effect upon engagement with the community, involve high levels of student "ownership". It can be argued that the level of "student voice" is the key indicator behind attitudinal



The "Battle of the Flowers", with its moonlight parade, is a big community event.

change; students become more involved in tasks of their own design and are more likely to have a sense of positive achievement when they are involved in selecting the success criteria. Effective programme components are participatory activities that facilitate students' discovery of "real" community problems.

The significance of encouraging young people to participate actively in school, clubs and institutions supports the view that early involvement in working on behalf of others, even in a school context, leads to greater participation in civic affairs as an adult, largely because of the specific skills related to citizenship that are learned.

Additionally, successive studies by the International Association for the Evaluation of Educational Achievement (IEA) have shown that schools that model democratic practice are the most effective in promoting civic knowledge and engagement. Unsurprisingly, its CIVED Report, based on more than 25 states around the world, also showed that those students with more knowledge of civic institutions participate more actively in their societies. Whilst the home environment can have a substantial impact on civic knowledge, there is a high correlation between the extent of young people's knowledge of the "mechanics" of their society and the amount of time spent addressing the

area within the school curriculum.

In and out of the classroom

Schools clearly have a major role to play in preparing young people for active involvement in their communities.

The review showed that across all key stages there were many examples of excellent practice. However, the general pattern was inconsistent, hampered by a shortage of resources, co-ordination and detailed local knowledge amongst some of those charged with its delivery. It must also be recognized that education for citizenship is a life-long and multi-faceted process. The seeds for participation can be sown in the classroom, but they will need to be nurtured by other agencies both during and after time spent in formal education in order to fulfil the ambitions of citizenship programmes.

A number of States' departments have included aspects of citizenship as priorities in their strategic plans. This vision and leadership provides an opportunity for all departments, and other bodies, to see the possibilities of how to interact with the community. It also illustrates how to engage in activities which promote their role whilst increasing an understanding of how they function.

At present there is no capacity to provide a centralized focus for

citizenship issues locally. However, other jurisdictions, such as Western Australia, have identified this as a community priority and have created a ministry specifically targeting active citizenship.

The main conclusions drawn from this study into citizenship education in Jersey suggest that:

- Jersey, in common with other developed societies, is facing a decline in its "social capital";
- A number of significant social problems are potential consequences of such a decline;
- Engagement with the wider community is important from the earliest stages of education;
- Other agencies need to supplement the work of schools, and to continue to actively engage young voters once they have left secondary education, and
- The social health of the island is a shared responsibility with all community stakeholders.

Taking action

The citizenship curriculum in schools was reviewed and enhanced in 2007 and a new schools resource pack and website have been designed to support the delivery of the new curriculum.

A new citizenship curriculum policy has been developed that details the type of learning activities that Jersey pupils should experience at specific times in their school career.

A curriculum guidance document has been provided for schools so that it can be used to plan for the teaching of citizenship in the school year.

A resource pack has been developed to support the delivery of the curriculum particularly for those teachers who are new to Jersey.

A website has been developed to provide other relevant links for teachers and pupils and electronic versions of the resource pack. www.jeron.je/projects/citizenship/index.

As part of the citizenship programme, all schools elect their own school council which gives them all practical experience of the electoral process from proposing and standing as candidates to voting using voting papers and ballot boxes.

The youngest children explore their

local community.

During primary school, the children are introduced into how Jersey's parish system of local government works. In Year 5 (9 - 10 year-olds) they all visit the States Chamber and take part in a mock States sitting, with pupils participating in all the officer roles as well as acting as elected Members.

In secondary school teaching about government is expanded to include how the ministerial system and scrutiny work. Ministers and scrutiny Members go into schools and involve pupils in the process.

In their sixth form years, young people are encouraged to take part in the Youth Assembly and the standard of argument and debate has been compared favourably, sometimes said to even surpass, the real debates held in the States Chamber.

Reducing the voting age

As well as enhancing its citizenship curriculum, Jersey has also taken another significant decision involving the engagement of young people in their community.

In 2007, the decision was made to lower the voting age from 18 to 16. Jersey is one of the first Commonwealth countries to lower the voting age in this way following on from the Isle of Man which did this in 2005. The new lower voting age will be in place for the elections which take place this autumn.

The debate on lowering the voting age was lively, with those against arguing young people are not mature enough at 16 to make such important decisions. But the majority sided with the view that if young people wish to involve themselves in the electoral process at 16 they should be empowered to do so.

So in Jersey more is being taught about citizenship in

schools and the voting age has been lowered to 16. Now we have to wait and see whether this delivers the desired results of increasing the percentage of people who feel engaged enough to go out and vote. Jersey does

not want to face an increasing democratic deficit where the government is elected by a diminishing percentage of voters. Instead, we want voter participation to rise because people are interested and wish to vote.

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“Father of the Parish”

The parish system and the role of the Connétable

Connétable Ken P. Vibert, in St Ouen.

The Connétable is an ancient position of trust that has evolved into a key part of the fabric of life in Jersey and a vital part of the democratic component of its local governance, says Jersey's longest-serving Connétable.

Connétable Vibert has been a Member of the States since 1994 when he was first elected as Connétable for his parish of St Ouen after a number of years of other honorary service to the parish. He is now the Chairman of the Comité des Connétables which brings together the Connétables of Jersey's 12 parishes.

The parish system in Jersey is the backbone of the island's long tradition of honorary service, a system where people give back to the community of their time and talents for the good of their fellow men.

Each of Jersey's 12 parishes is led by the Connétable who is supported by two Procureurs du Bien Public, a team of elected honorary police officers as well as many other volunteers who are elected to serve on the numerous parish committees. Members of the Roads Committee are, as are the honorary police members, sworn into office by the Royal Court, as are roads works inspectors.



Conn. Ken P. Vibert.

Property assessors are elected and sworn into office to calculate the amount of rates (property tax) to be levied on owners and occupiers of the parish. The number of other committees varies across the parishes according to what responsibilities are taken on by the parish.

All these people are elected by decision of the "parish assembly" which is open to all electors as well as

other rate payers of the parish who may reside out of the parish but can claim a vote. The running of parish assemblies is governed by the *Loi 1804 au sujet des Assemblées Paroissiales*.

All matters concerning the running of the parish administration, namely the cost of the honorary police, the care and maintenance of the parish by-roads, the cost of the refuse collection and (until 2007) the payment of parish welfare to those in need, are decided by the assembly. It is interesting to note that the same assembly, having agreed the Connétables' budget for the coming year, then decide the rate at which the land and property tax (rates) is to be levied. By law, the amount at which this tax is set must cover the agreed budget, which includes any specific votes as well as an amount to be distributed to charities, together with an amount for the maintenance of the parish church and cemeteries as well as the rector's domicile. The system is real democracy.

An ancient post

The Connétable presides over all matters concerning the administration

of the parish, parish assemblies as well as all parish committees, other than the team of property assessors who are autonomous. The only involvement which the Connétable has with them is in relation to the "Rates (Jersey) Law 2005", not the administration of it.

That the role of the Connétable has remained more or less unchanged for the last five centuries or so is a tribute to the respect in which the post is held by the public. Even today where the make-up of our island is very much more diverse, with so many foreign nationals making up our population, the Connétable continues to carry the support of the majority of the public.

The origins of the title of Connétable (colloquially, Constable) is somewhat clouded in the mists of history. Connétable was a military officer in the armies of Emperor

Charlemagne circa **The parish hall in St Brelade.**
800 A.D. The

word Connétable means "Supreme Commander of the French Army". One only needs to look to Normandy in particular, where Connétables were responsible for the castles and therefore the keeping of the peace, to see how the name came to have its origins in Jersey.

Many of the island's landowners had origins in Normandy and became Seigneurs of Jersey's ecclesiastical parishes. It is believed that the first Connétables were nominated by these Seigneurs and so the title would have fitted in well with the functions and status of head of what was later to become the civil parish. The first known reference to a Connétable in the records of the island is dated 1462; but it is more than possible that the office had come into being long before that date.

The first Connétable to be elected

to post was in 1531. The election was voted on by the *princepeaux* of the parish – landowners and people of wealth and standing in the community. The system of election by *princepeaux* was to continue until the mid-19th century when the franchise was widened. Not until 1950 were all registered electors able to get involved. Parish assemblies today are still called for the attention of "principals and electors". That the parochial system evolved from the ecclesiastical parishes



meant that the rector was closely involved. Today, the rector continues to be involved in civil parish matters, sitting with the Connétable at parish assemblies, and being an *ex-officio* member of the Parish Roads Committee. The parochial system continues to be the backbone of island life. The public remain closer to their parish where they can have more influence over and closer contact with their elected administration.

Representing their parishes

The Assembly of the States of Jersey grew out of the need for the Bailiff and Jurats to consult with the rectors and Connétables of the 12 parishes. By the 15th century, these meetings had become an established custom until the States (The Three Estates, the Legislature represented by the Jurats, the church by the rectors and the

public by the Connétables) eventually became acknowledged by Act of 27th October, 1497.

Since that date the 12 Connétables have remained as Members of the States Assembly of the island. They continue by virtue of their office, as parish Connétable, to retain their seats, and are representatives of their parish, not elected delegates.

The system of lodging a proposition, prior to debate, was to enable the Connétable to refer the

matter to the parishioners. Although not often used today, this facility is still available.

Their position in the States periodically comes under review. In 2000, the review chaired by Sir Cecil Clothier, KCB, QC, sought to have the Connétables elected to the States separately from their parochial post. When consulted, the public, seeing this as a threat to their Connétable's

position, rejected this proposal and subsequent States debates have supported this position.

The role of Connétable is a dual role. First, as the parish leader and equally as States Member. The role in the parish does not end with charring innumerable committee meetings. The Connétable is the equivalent of a French mayor, a man of woman of the people, who sees and must be seen by his or her parishioners. The Connétable's door must always be open, their telephone line always available for people to discuss their problems and seek advice on any matters, be they personal or of island importance. This is why the Connétable has been affectionately known as the "father of the parish".

The Connétables are elected by the electorate of the parish for a period of three years, but they remain in office,

notwithstanding their term of office ending, until their successor is sworn-in to office. There is no apparent age limit, nor, ostensibly any disqualification such as incapacity or criminal record. However the Royal Court exercises a supervisory jurisdiction over the holder of office. Similarly the Royal Court could decline to administer the oath were the Attorney General to make a representation which rendered the candidate, for whatever reason, unfit for office.

Whereas elections for Connétable have occurred as and when necessary in the past, a proposition was adopted in 2007 to hold a one-day election for Connétables, and for their term to increase to four years. This will hopefully begin in October of this year.

Positions of trust

The role of the Connétable is effectively scrutinized by two elected trustees (Procureur du Bien Public) who are responsible for assisting the Connétable, but also for ensuring that the parish budget is correctly used. Nevertheless, the Connétable has the final say in all matters parochial, this with the support of a parish assembly decision if it is required.

The Connétable is also asked to give a parish response to licensing applications which are subject of a recommendation of a parish assembly, and with planning applications, which are considered by the Roads Committee.

Each parish has an administration office, manned by professional staff. As well as supporting the Connétable, they

are responsible for issuing driving licences, firearm certificates, dog licences, Sunday trading permits, as well as receiving parish rates. They also keep the electoral register as well as giving secretarial support to the honorary police.

The post of Connétable has always been regarded as the pinnacle of

enquiry system is a system which is coveted by the many other police authorities who have looked at it. People reported for an offence are, in the first instance, interviewed by the parish Centenier who is then responsible for deciding if a charge is to be laid. The system is unique in being able to keep people, especially youngsters, out of the criminal justice system.

The 12 Connétables meet together on two days a month as the Comité des Connétables/Supervisory Committee. The title of Supervisory Committee is the name given to the 12 Connétables in the Rates (Jersey) Law 2005. They are supported by a professional secretary and their meeting is chaired by an elected one of their number. They consider all matters which are likely to affect the workings of the States and parishes together. They also invite Ministers to their meetings for discussions of any possible effects of

policy on the parishes.

A way of Jersey life

The Parochial system and the role of the Connétable continue to be the great strength of the island's social fabric. The competition which exists between parishes, in sport as well as in other facets of life, leads to rivalry, but also to friendship and strong community spirit.

The public, certainly in the rural parishes, remain closer to their parish, where they can have more influence over, and closer contact with, their elected administration.

The demise of the parochial system would see a very different Jersey.



The crests of the 12 parishes surround the Jersey crest on the ceiling over the entrance to the States' Chamber.

parochial honorary service. A small honorarium was traditionally voted to the Connétable but no other remuneration. Their service to the States was also honorary until the mid-1990s when all States Members were able to receive an expense allowance. In 2004 this was changed to a payment available to all States Members. This is to allow any registered elector to present themselves for election, regardless of their financial status.

Although the Attorney General is the titular head of the honorary police, the Connétable remains responsible for all aspects of the good running of the parish including the parochial honorary police which he/she delegates to the Chef de Police. The parish hall



Seymour Tower, built in the late 18th century to repel French invaders, stands two kilometres offshore in the middle of one of Europe's largest intertidal reef sites. Tides here can recede almost four kilometres from shore.

Meeting Real Needs

Introducing a new benefits system in Jersey

Sen. Paul F. Routier, in St Helier.

With 14 social security benefits scattered over three departments and two levels of government, it was time for a complete overhaul. Jersey's Minister for Social Security describes how this daunting hodgepodge of assistance programmes was effectively consolidated and targeted more precisely where it was needed most.

Sen. Routier is Jersey's Minister for Social Security with political responsibility for a number of contributory and non-contributory social benefits. He was first elected to the States as a Deputy for his home parish of St. Helier in 1993 and elected as a Senator in 2002.

January 2008 saw a major change to the benefits system in Jersey. The new centrally administered and streamlined income support scheme is a fundamental change in the way that Jersey provides financial help to people who need it. It is more effective in tackling real need than the previous, fragmented combination of non-contributory benefits and allowances. In distributing funds in a way that is fair, transparent and accessible, income support provides a safety net for those in real need, while encouraging independence and self-reliance wherever possible.

Global initiative to local reality

The income support scheme introduced in Jersey earlier this year has its origins, at least in part, in the United Nations decade for the eradication of poverty.



Sen. Paul F. Routier.

Many local individuals and politicians worked hard during the late 1990s to raise awareness of global poverty and to identify practical means of addressing the issue of relative poverty locally. As a result of this work, the Social Security Committee – the political body at that time that was responsible for making policy in this area – made a commitment in 2000 to work towards an integrated system of benefits to ensure that

individuals and families in Jersey would be able to access a comprehensive raft of support.

The States of Jersey enthusiastically endorsed this proposal and the Social Security Department set about turning the idea into reality.

The first major issue was the lack of data on the local population so an income distribution survey was undertaken to identify the extent of relative poverty within Jersey and to provide valuable information on both household composition and income levels. Jersey is a very prosperous island; but, as in every society, there are a number of citizens whose situation is such that they require financial assistance to maintain at least a minimum standard of living.

By 2004, the foundations for the new scheme had been established. Towards the end of that year, the committee published a paper setting out the shape of the proposed benefit – this included the bold decision to incorporate almost all existing income-related benefits into a single system. This approach would address many existing anomalies at the same time.

However, there was a realization that

an enormous amount of effort would be required to bring together such a large number of disparate benefits.

A multiplicity of benefits

In all, 14 separate benefits have been incorporated into income support. These benefits were previously administered by three separate States departments and the 12 island parishes. Each benefit had its own set of rules and had developed in a piecemeal fashion in response to different social pressures on the island at different times. While each scheme could be justified in its own right, the multiplicity of benefits that evolved became confusing and cumbersome.

In the past, some confusion also existed among some sections of the public with regard to the processes by which benefits were claimed. Difficulties were reported in identifying the correct department or parish to approach in respect of a particular need. This led to a correspondingly high level of duplication in terms of administrative effort – separate departments could be recording and analysing the same information to pay separate benefits to the same family.

As an example, a single mother with a child would have needed to visit three separate departments in order to collect sufficient income to maintain her family. The parish welfare system provided support for the mother, the Housing Department assisted with the cost of rental accommodation and the Social Security Department provided help towards the upkeep of the child. The mother was required to complete three separate application forms, on each occasion providing detailed evidence of her income and personal circumstances and then receiving three separate payments. In itself this was administratively cumbersome for all concerned.

It was also somewhat outdated for someone to have to present themselves at a number of different locations to ask for help and for their claim to be decided by someone who had a high level of discretion and few rules to follow. In fact, the process probably discouraged some individuals, who were entitled to help, from seeking it.

More effective targeting of benefits

The prospect of reform was also helped by concerns expressed over the generosity

of some benefits under the old system. There were also worries that assistance was not being directed to those who were most in need. In particular, the rental subsidy scheme was seen to be a drain on public resources (costing approximately £25 million in 2006), as possibly creating some distortion in the local housing market and being paid to some individuals whose income meant they really did not need assistance.

Another benefit, the Disabled Transport Allowance, was originally designed to assist people of working age with disabilities to cover their transport costs. However, over time, it had been extended to cover almost all local residents with mobility problems. Again, this benefit was felt by many to be badly targeted, to fail to take into account income levels and to be expensive.

There was also a need to bring some consistency to the eligibility criteria that applied to those seeking benefits.

Under the previous arrangements, eligibility criteria varied widely. The residency conditions for different benefits varied – from no residency requirement at all, to three months, six months, five years or, in some cases, up to 12 years. Some benefits could still be received if a claimant had £50,000 worth of savings, whereas other benefits were reduced once an individual had more than £7,000 in the bank.

Moving forward

Following the publication of the 2004 report and consultation with local stakeholders and politicians, firm proposals were put before the States Assembly in June 2005. These proposals were supported and funding was provided for the development of the new income support scheme. This included addressing administrative issues and introducing bespoke information technology to process claims.

The Social Security Department had upgraded its computer systems at the beginning of 2005 and this provided a firm foundation for the additional work required. Work on the IT systems and a new legislative framework began in parallel in the autumn of 2005. The legal framework for income support was drafted from first principles, specifically designed to meet the needs of the Jersey population.

The Income Support law is a simple,

straightforward piece of legislation which puts in place a very clear framework of a household unit, a set of needs and a way of calculating means that takes into account both income and capital assets. The benefit provides financial support towards the costs of housing, living, medical needs and childcare. The simplicity of the framework lends itself to future adaptations as the needs of society change over time.

The income support law is based on the notion of a social contract between individual and state. To qualify for benefit, at least one adult within the household must have been resident in Jersey for five years. Jersey is a small island with a very pleasant and prosperous lifestyle. It could become vulnerable to "benefit tourism" if individuals could arrive in the island and claim benefits after little or no time spent here.

While not a member of the European Union, Jersey imposes no immigration controls in respect of any citizen of European Union countries. There is a consensus that those living in the island for at least five years will have contributed to the economy in a variety of ways and are therefore entitled to receive benefits if they find themselves in need of support.

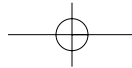
Need to be seeking paid work

To be eligible for benefit, the individual has to make every effort to seek paid work. Although this is a central tenet of the income support law, there are in fact many exceptions to the requirements and individuals over 65 and those looking after children under five years of age are completely exempt from any requirement to seek work.

For others, a medical condition or caring responsibilities means that they either do not have to work at all or only work a limited number of hours a week. If an individual is not working, they have to be registered as a jobseeker in order to receive income support benefit.

The income support scheme incorporates jobseeking reviews for individuals that need help to find employment. The ultimate sanction within the income support scheme is that an individual who fails consistently to adhere to a jobseeking routine over a period in excess of eight weeks can lose entitlement to personal benefits.

The income support scheme provides a transparent and fair means of providing

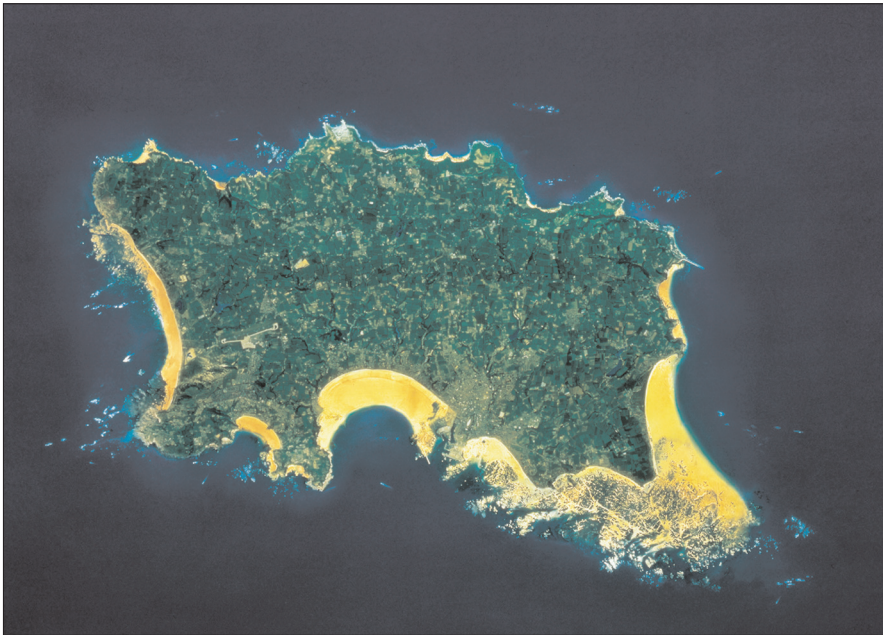


a weekly benefit to individuals and families who have insufficient income to meet their basic needs. Alongside the weekly benefit, a system of special payments has been introduced to ensure that one-off costs can be met by households on limited incomes, provided that there is an urgent need and no other means for the claimant to meet that need. Special payments can help with the cost of large dental bills, funerals and basic household repairs as well as more minor

everyday tasks in 18 separate areas. These include:

- Turning on a tap (manual dexterity),
- Walking up a short flight of stairs (walking),
- Being aware of common dangers (cognition) and
- Following a conversation in a quiet room (hearing).

The department compares the self-report



A satellite view of the island.

items such as helping an individual purchase tools or a uniform to start a new job. It is envisaged that most special payments will be made to families already receiving an income support weekly benefit; but there is some flexibility within the scheme to provide payments to families falling just outside the income support scheme.

Innovative ways of gauging levels of impairment

One of the major innovations included in the income support system is a new method of assessing individual needs associated with impairment. Assessment of disability under the current system has been subject to some criticism for inconsistency of decision-making and lack of transparency. The income support scheme acknowledges three areas of additional cost associated with physical, sensory and mental impairments.

Under income support, the claimant completes a self-reporting form identifying their ability to undertake

provided by the claimant with a short clinical report from the claimant's own doctor and uses defined criteria to judge the level of benefit required. This system is much more transparent than the previous one and is fully open to appeal to an independent tribunal.

Committed staff and committing money

The preparations and launch of income support involved staff throughout the department. Thousands of forms were processed with claimants then receiving award letters. Specialist staff were trained to deal with customer queries and dedicated email and phone lines were set up ahead of the launch. Within the Social Security Department, staff who previously dealt with specialized family benefits and disability benefits were brought together as part of the new income support team.

Staff also transferred from the Housing Department as income support replaced the previous rental subsidy schemes. Staff from the largest parish, St

Helier, also joined the department in January.

Funding for the income support benefit has been found entirely from within existing budgets. The total budget for 2008 is of the order of £65 million.

To create a fairer benefit system, some individuals will see their benefits rise with the introduction of income support, while others will see a reduction. These individuals – predominantly in higher-income households – will receive protected benefit payments, which will be phased out over a three- to five-year period. The protected benefit payments, totalling £22.5 million, are being funded separately through the States Treasury and Resources Department.

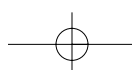
The main income support law was debated and approved by the States Assembly in October 2006. The simplicity of the law then gave way to a detailed set of regulations and orders to ensure that the single benefit would be able to cope with very many variations in personal and household circumstance. These detailed regulations can be easily amended to changing needs and should ensure that the income support legislation can remain in place for many years to come, providing the framework for a more sensible, understandable and accessible benefits system.

Step change in the benefits system

In proposing fundamental changes to its benefit system, Jersey set itself a major challenge. The goal was a major step change in the administration and delivery of benefits, with a greater focus on helping those in real need.

Income support went live on 28 January this year and represented the culmination of a project that began almost 10 years earlier. The new system should make a real difference to people's lives. It meets the complete needs of an individual or family at any stage of their lives, with people now receiving a single payment from one department instead of having to go to various agencies to seek assistance.

All benefit systems evolve over time and the Social Security Department will be reviewing the scheme in the light of experience, and listening to any comments or concerns as income support becomes more established.



On Entering Politics

Moving beyond titles, roles and labels to do the job

Dep. Juliette G. Gallichan, in St Mary.

Representing the people isn't about labels but about understanding the concerns of constituents and connecting them with their government, says one of the newest Members of the States of Jersey.

Dep. Gallichan was elected as Deputy for the parish of St Mary in 2005. Before her election she had worked as Parish Secretary. Since her election she has been a Member of the Privileges and Procedures Committee and served on two scrutiny panels.

What am I: Parish Deputy, new Member, female politician, Backbencher? I am the Deputy of St Mary, Jersey's smallest parish by population.

Probably because of its size, St Mary has been quite successful in maintaining the feel of a traditional local community and I am fiercely proud and protective of that. I first became involved in "parish life" by association when my husband became a Constable's Officer in the late 1980s. This is the entry-level rank in the island's unique Honorary Police System in which each of the 12 parishes has its own force of officers, under the leadership of the Constable, who is the elected head of the municipality and who has a seat in the States of Jersey by



Dep. Juliette G. Gallichan.

virtue of the office. Traditionally, the Constable was someone who had been a long-standing member of the municipality, although latterly this has not necessarily been the case.

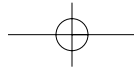
Initially through my husband's involvement, I began to understand the benefits of the parish system and later, when a candidate called at my house to ask for my support during the election of Deputies, I began to think about

possibly becoming involved in politics myself. This idea grew over time and crystallized when, after having my children, I decided not to return to working in the finance industry but instead became Parish Secretary, working closely with the Constable and organizing the administration of the parish. I also experienced his involvement in the island's government and became his number one "armchair critic".

After several years of haranguing the poor Constable over the way things were being done - or not done - in the government, I decided that if I thought I could do better, I really should "put up or shut up" and stand for election myself. I first stood for Deputy in 2002, when I was narrowly defeated. I then tried my hand in a senatorial (all-island) by-election in 2003 before being returned in St Mary in November 2005.

Learning the ropes

I was sworn into office in December, 2005 and after two years as an elected Member of the States of Jersey, I still find myself referred to on



occasion as a "new Member"! I think I have probably sounded quite indignant on occasion when replying "hardly a new Member now", or something similar. But I must acknowledge that there is an awful lot for any new Member to take on board following their election and it is probably true to say that even now I continue to learn new tricks from some of the old hands.

There is now a good basic induction programme for new Members which has been devised and implemented by the States' Greffe (Clerk). This covers all general aspects of life as a States Member, from basics such as how to prepare and submit a written question to an understanding of the Standing Orders that govern the business of the Assembly. Nevertheless, speaking for the first time in the House is a tense time for most Members – and you can't try to creep around the issue as custom dictates that the first utterance is greeted with a loud foot-stamping by other Members.

In many ways, all 53 Members were "new" following the 2005 elections (even the 6 Senators who were only mid-way through their six-year terms at that time) as the whole system of our government moved from committee style to executive following a lengthy process of consultation and debate. This change was a real shake-up for Jersey and, in some ways, those of us elected for the first time then were better placed to make the transition than the experienced States Members. Many Members, previously closely involved in decision-making as a part of major committees, have seen that power pass into the hands of a single person, the Minister.

Through my membership of the Privileges and Procedures Committee, I have been involved in a review the first 12 months of the new system and although, based on the submissions made, the consensus is that the system is working well, it is apparent that the changes have not in all cases delivered what was expected by some Members. Whether that is due to the design of the system or the level of expectation is sometimes a point of contention. The process of analysis and possible modification of the machinery of government is on-going at this time

and all Members are invited to participate.

Moving into new roles

An election is only the beginning of political life; but immediately upon taking office, there are choices to be made that will largely determine the tone of the whole term of office. In Jersey in 2005, the first task of the new House was to elect a Chief Minister and from that decision flowed the selection of: Ministers (who, once confirmed, were able to select their Assistant Ministers without endorsement by the Assembly); Chairmen of the Privileges and Procedures Committee, Public Accounts Committee and Scrutiny Panels, and then Members of those panels.

Thus, in just a few days, the die was cast as to the function each Member was likely to play, either executive or non-executive, was set for the next three years.

There had been a period of "shadow scrutiny" which had run parallel to the government during the previous term of office, so whilst Members had a general idea of how the new system would operate, there was also the feeling that we were moving forward into a new era of island politics.

The greatest changes will be made following the next election in November this year, when successful candidates will have the benefit of

three years' history of operation to look back on to enable them to choose the most effective path for their abilities and aspirations.

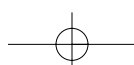
In many ways, the Jersey political system is unique. We have three classes of Member but only one House. Members find their way into the States of Jersey either by virtue of their office, having been elected as a Parish Constable, or following success in another public election. This can be on a parish or constituency basis (29 Deputies) or on an all-island mandate (12 Senators). Once elected, however, every Member represents the people of Jersey and all have equal voting rights in the Legislature.

Keeping in constant touch

So what is life like for a Parish Deputy? Well for me, and taking into account my background in the Parish, there is a continued involvement in parish life generally in order to keep in touch with "my" parishioners. This includes such formal things as attending the parish assemblies and the Visites de Branchage (where the state of the hedgerows is checked); but there are also many parish activities of a social nature, ranging from making holly wreaths for the Christmas market to helping in the final stages of preparation for the parish's entry in the annual "Battle of Flowers" carnival. Whilst not political in nature, participating in these enables me to meet different strands of the



A float in the "Battle of the Flowers" parade.



community and to keep abreast of their worries, concerns and opinions.

Trying to find enough time to fit everything in can be a problem. Even though I had worked alongside a States

ways -by phone or mail, personal contact or in one case, as a bundle of newspaper clippings with comments appended pushed through my letterbox "anonymously" (I know who does it,



The famous Jersey cow is found throughout the island's farming communities.

Member for five years and had witnessed his workload, I remain amazed just how busy I am. I keep thinking that next week will be easier, time-wise; but somehow it never is!

My youngest child still attends the parish school and so, simply by being a parent, I meet a large cross-section of the community on a regular basis and routine things such as having a meal at the parish pub or going to a church service invariably mean that I will bump into someone who has something to discuss. I have always considered this to be part and parcel of the "job" - if truth be told as a Parish Deputy, especially in the rural parishes, you are never really "off-duty".

Being accessible and known socially means that most people do not feel inhibited about approaching me with their concerns. For many parishioners I am the first person to contact when they have a problem and often political intervention is not required. All I have to do is put them in touch with the right person at the relevant department.

Whenever there is a particularly contentious issue to be debated, I can rely on receiving the comments of a number of parishioners. Sometimes the views can be similar, but quite often opposing opinions are put forward. These come in a variety of

and he knows that I know!) at regular intervals. Generally, however, I would say that most of the people who contact me for advice or assistance do so because of a particular issue that concerns them personally - usually in my experience, either the speed of traffic or a planning application.

Wide-ranging activities

On an island as small as Jersey, "local" is a relative term. There is nothing to stop me being approached for assistance by any islander, perhaps because they know I have a specific interest in their problem area or perhaps because they know me from a former life. Some of the issues I have helped with have no connection with St Mary at all but, like States Members generally, I will always try to help whenever possible.

My life over the past two years has certainly been varied. Having not put myself forward for any executive role, I am what is now commonly referred to as a Backbencher. The majority of Backbenchers have some formal position in the Assembly, on one or two of the panels or committees referred to above or on the Planning Applications Panel or Legislation Advisory Panel, for example.

In addition, every Member of the Assembly has the right and opportunity

to bring propositions in their own name on any matters of concern to them. One comment I have heard quite often is that the workload involved in, for example, the scrutiny function is such that it reduces the amount of time available to be devoted to this "private" work. There is no easy solution to this as each Member works differently.

I made a decision to become involved in as many areas as possible to gain wide experience. I am Vice-Chairman of the Privileges and Procedures Committee, the Education and Home Affairs Scrutiny Panel and the Jersey Section of the Assemblée Parlementaire de la Francophonie. I was recently appointed as a Member of the Planning Applications Panel. My life over the past two years has been varied and busy by choice.

A gender issue?

A question I am often asked is how being a woman affects me as a States Member. The answer is "not a lot"! We have 11 women out of 53 Members. I have been the only female candidate in each of the three elections I have contested but have never felt that put me at any particular advantage or disadvantage. I certainly don't feel that it makes any difference to how I am regarded within the Assembly.

Furthermore, it is no harder for me to function as a working mother in this environment - as ever it all comes down to planning! Being a States Member actually has its advantages as sitting dates are determined in advance, with scheduled continuation days built in. Problems arise when Members decide to change these "on the hoof" without notice but these problems affect many Members for different reasons, not just the working parent.

A chance to serve

So, to answer the riddle. What am I: parish Deputy, new Member, female politician or Backbencher? The answer is: All of the above. These are all complementary parts of my role as a Member of the States of Jersey.

I feel immensely proud to be a part of one of the oldest Legislatures in the Commonwealth and to have the chance to serve my island in this way.

A Ministerial Democracy

Adapting to a new system of government in Jersey

Mr Michael de la Haye, in St Helier.

Jersey has moved from a traditional committee system of government to a modern ministerial system while retaining elements of its ancient system which are among the most democratic provisions in the world in ensuring parliamentary supremacy over the executive, writes the Greffier of the States.

Mr de la Haye is Greffier of the States (Clerk of the States Assembly). He has worked in the public sector in Jersey since 1986 and joined the States Greffe (Clerk's Office) in 1999 as Assistant Greffier of the States. He was appointed as Deputy Greffier in 2000 and as Greffier in 2002.

Jersey has a unicameral Legislative Assembly known as the States of Jersey, the word States having derived from the French word *États*, signifying the three estates (the court, the clergy and the people) from which the Assembly was originally composed. The powers and duties of the States were most recently defined in the States of Jersey Law 2005 and the Standing Orders of the States made under that law.

Jersey is a self-governing Crown dependency and, as explained elsewhere in this supplement, the States Assembly is one of the oldest Legislatures in the Commonwealth with minutes being recorded as far



Mr Michael de la Haye.

back as 1524. As Jersey's Legislature the functions of the Assembly are primarily legislative, but the Assembly also has considerable executive powers, including the appointment of the Chief Minister and Ministers who are entrusted with executive authority for the day-to-day government of the island. The States Assembly has full legislative authority within the Bailiwick, save that the adoption of

primary legislation (called "Laws") is subject to sanction by Her Majesty in Council.

The States Assembly comprises 53 elected Members (from a voting population in 2005 of 54,417) all of whom, despite the different methods of their election, have an equal right to speak and vote. There are 3 categories of elected Member:

- 12 Senators, serving for a term of six years;
- 12 Connétables, one for each of the island's parishes, and serving for a term of three years; and
- 29 Deputies, serving for a term of three years.

The Bailiff of Jersey is appointed by the Crown and is President of the States. He acts as its Speaker and has no political power. In the Assembly, as Speaker, he has the right to speak but this is customarily only exercised for the purpose of managing the proceedings and preserving order. He has no casting vote; if the votes on a matter are equally divided it is determined in the negative. The

Deputy Bailiff discharges the functions of the Bailiff in the event of the latter's absence or incapacity.

There are four other non-elected members of the States Assembly:

- The Lieutenant-Governor, who is Her Majesty's personal representative in Jersey. He attends States meetings as the representative of the Crown but takes no part in debates, and
- The Dean of Jersey, the Attorney General and the Solicitor General, each of whom have the right to speak but not to vote. Traditionally they speak on matters falling within their area of responsibility. Additionally, the Attorney General and Solicitor General (who do not normally attend the Assembly together) may be called upon to advise the Assembly on legal aspects of the matter that is under consideration.

Public elections

Elections for Senators and Deputies are held every three years, when the term of six of the 12 Senators and all 29 Deputies expires.

The election for Senators takes place in October with an all-island constituency, while the elections for Deputy are conducted by electoral district, and take place in November. Most electoral districts return a single Member; others return two, three or four Members, according to population.

Connétables are elected as head of their parish administration by the voters of their parish for a period of three years. At present, elections for Connétables take place at different times in the various parishes; but the States has recently agreed to move to a common election day for all 12 Connétables by 2011.

The same electoral register serves

for all three types of election. With the ability to vote for 12 Senators, one Connétable and one or more Deputies it could be argued that the individual Jersey voter has more parliamentary representatives to call on than in almost any other Commonwealth jurisdiction.

Political parties

The States of Jersey does not currently operate on a party political basis. There is no formal restriction on the establishment of political parties in the island but, in recent years, few parties have been created and at the time of writing only one party is active.

Although more political parties may emerge in the future, most candidates for election at present stand on their own individual merits and publish a personal manifesto. Elected Members do, from time to time, form themselves into informal groups to pursue common interests; but generally every one of the 53 Members acts and votes independently of the other Members.

This is not to say that there is no political controversy in the island. Issues inflame and divide the community here as elsewhere: preserving the island's unique way of life and natural beauty, how to deal with an ageing population and run a productive economy while preserving the island's environment, achieving value for money in public administration, actions to minimize material and social deprivation, the level of taxation, and many others. On each issue people will group on every side and the politicians will divide. But on the next issue the groupings will be different, and the political adversary of yesterday may be the ally of today.

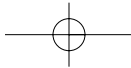
The work of the States Assembly

The States Assembly meets on a fortnightly cycle between January and July and again between September and early December. Each fortnightly meeting lasts for one, 2 or 3 days and on average the Assembly meets for some 35 to 40 days a year. All meetings are held in the States Chamber which was first opened in 1887 and which has changed little over the last 120 years apart from the installation of certain equipment such as sound recording and the electronic voting system.

On each meeting day the business



The Members' entrance to the States Building.



of the Assembly starts in French to reflect the island's French tradition. After the formal entry of the Bailiff, the Greffier (Clerk) calls the roll of Members in French and this is followed by Prayers read in French by the Dean of Jersey. All Members are invited to join in the Lord's Prayer.

After these formalities the business normally continues in English although any Member can, if he or she so wishes, address the Assembly in French. The first two hours of each fortnightly

almost unlimited scope to present propositions on their own behalf.

The system of government

While the States Assembly serves as the island's Legislature, with some executive powers, the day-to-day administration of the island's government has, since December 2005, been entrusted to a Chief Minister and nine Ministers who sit together as a Council of Ministers. Ministers are assisted by Assistant Ministers; but the



The States Chamber was officially opened in 1887.

meeting are allocated to Questions with up to 90 minutes of Oral Questions with Notice followed by two 15 minute periods of Oral Questions without Notice. Two Ministers answer questions without notice at each meeting with the Chief Minister answering at every second meeting. If there are any Statements on Matters of Official Responsibility these follow Question Time before the Assembly moves to consideration of Public Business. This represents the great majority of the Assembly's business.

Decision-making in the States Assembly is by way of a proposition (or "projet") which is either a proposition of legislation or a business proposition which requires some definite action to be taken. Propositions are usually presented to the States by Ministers, but individual Members also have

total number of Assistant Ministers cannot exceed 13, thereby ensuring that the Chief Minister, Ministers and Assistant Ministers (collectively referred to as the "executive") are always in a minority in the Assembly.

The Chief Minister, Ministers and Assistant Ministers must all be Members of the States. Ministers have legal responsibility for matters falling within their portfolio and they must operate within the annual budget voted to their department by the Assembly. In addition, they must obtain the approval of the States for new legislation and major capital projects. They will not normally embark on major new policies without States approval.

Each new Council of Ministers must, within four months of its appointment, bring to the States for debate a draft Strategic Plan setting out the main policies which it wishes to

pursue during its term of office and, once the Plan is approved, Ministers are expected to work within this policy framework.

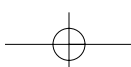
Members who are not in the executive can be appointed as Members of a scrutiny panel or of the Public Accounts Committee. There are currently five scrutiny panels covering all aspects of ministerial responsibilities and each has dedicated subject areas. States Members can serve on up to two panels at a time. Each panel can have up to five permanent Members and can also appoint other non-executive Members to a sub-panel to review a particular topic. The panels, which have similar functions and powers to select or scrutiny committees in other Parliaments, scrutinize the existing and proposed policy of the executive, review draft legislation and conduct reviews on matters of public importance.

The Public Accounts Committee seeks to improve the efficiency and effectiveness of public administration, usually by examining and holding hearings on reports prepared by Jersey's Comptroller and Auditor General. The Chairman of the PAC must be a Member of the States, but the remaining membership of the committee is split equally between Members of the States and persons who are not. All nominations for membership must nevertheless be approved by the Assembly.

The appointments process

Every three years, immediately following the elections for Senators and Deputies, the 53 elected Members meet to appoint a Chief Minister. All 53 Members of the States are eligible to stand for this position. Members who wish to be selected must give advance notification of their intention to stand and, after addressing the Assembly and being questioned individually, a ballot or ballots are held until one candidate receives the support of a majority of Members.

The Assembly reconvenes three days later to appoint Ministers. The newly appointed Chief Minister sets out a list of nominations for the nine ministerial posts; but it is then open to any Member of the States, without notice, to nominate alternatives.





If alternative nominations are made for a particular ministerial position, a ballot or ballots are held. In a largely non-party political system there is no guarantee that the Ministers appointed will be the Chief Minister's nominees and the Chief Minister may therefore have to work with one or more Ministers who were not his preferred nominees. After their appointment, Ministers cannot be dismissed by the Chief Minister alone; they can only be removed from office by the States.

After the appointment of Ministers the Assembly appoints the Chairmen of the five scrutiny panels, the Public Accounts Committee and the Privileges and Procedures Committee (this Committee is responsible for matters such as the procedures and operation of the Assembly, Members' facilities, the code of conduct for elected Members and Members' remuneration). These positions are open to all Members who are not Ministers and nominations are made by any Member of the States with a ballot or ballots being held to select a Chairman if there is more than one nomination for a particular position.

At the third meeting after the elections, the Chairmen who have been appointed nominate the Members of their panels and committees. Any Member of the States is free to propose alternative nominations and a simple first-past-the-post ballot is held if there are more nominations than the number of places available.

Role of individual Members

When Ministers present propositions to the States Assembly for approval, their

proposals are subject to the scrutiny of the other Members in open debate. In addition, there are very few procedural restrictions on individual States Members bringing propositions to the Assembly for debate and Members have significantly more opportunities to pursue cases than in many other Commonwealth Parliaments.

They may also submit an unlimited number of written questions for each meeting, table up to two oral questions with notice and ask questions without notice during each meeting.

Individual Members may also present petitions on behalf of constituents and seek a debate on the subject matter of the petition.

Pros and cons

Before December 2005, government in Jersey was organized on a committee basis and all 53 elected Members were able to serve on one or more of the 14 committees that existed at that time. Committees covered every area of government activity in Jersey and each one consisted of a President and between four and six other Members. Through their work on committees, all States Members could participate in executive decision-making in a particular area.

The introduction of the ministerial/scrutiny system in December 2005 has, for the first time, led to a clear distinction between those Members who are appointed to the executive and those who are not. Nevertheless, as set out above, the Assembly as a whole retains wide-ranging powers in addition to the traditional functions of a Legislature,

one the most significant of which is undoubtedly the power to appoint and dismiss Ministers.

After only two and a half years it is probably too early to pass a definitive judgement on the operation of the new system of government, although in a recent review of the new system conducted by the Privileges and Procedures Committee very few of those consulted wished to revert to the former committee system.

Those who support the new system consider that co-ordination between government departments has been improved and decision-making streamlined. In addition, many point out that the establishment of the five scrutiny panels and a PAC with proper administrative support has introduced a level of formal scrutiny that did not previously exist.

Those who are critical of the new system consider that the distinction between those who serve as Ministers or Assistant Ministers and those who do not has caused a division between Members and left some Members feeling isolated from the business of government.

In the coming years, the new system of government will undoubtedly evolve and be amended in the light of experience.

It is nevertheless likely that, for as long as there is an absence of a formal party system in Jersey, the consequential need to find consensus on issues between independent Members will mean that the Assembly will retain a strong rôle in limiting the power of the executive and holding it to account.

Jersey - What do you see? Take a look from a different perspective.



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JERSEY FINANCE

The world's best names
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Official Name	Bailiwick of Jersey
Status	Crown Dependency
Flag	Red diagonal cross on white background, with the arms of Jersey surmounted by the Plantagenet Crown in upper quadrant
Head of State	The Queen is Head of State and is represented in the island by H.E. The Lieutenant Governor. The Bailiff as President of the States, is the civic head of the island.
Mace	Standing in between the Bailiff and H.E. The Lt Governor, when the States meet, is the Mace which was presented to the Bailiff of Jersey by King Charles II in 1663 in gratitude for the hospitality he received from islanders during his years in exile. The Mace is carried before the Bailiff as he enters and leaves the Chamber at meetings of the States and during each sitting it is placed upright in front of his seat.
Government System	In December 2005 a new system of government was established in Jersey. The old committee system was abolished and replaced by a new Council of Ministers working alongside Scrutiny Panels. The Assembly of the States of Jersey consists of 53 elected, and four non-elected, Members. The elected Members are 12 Senators serving for six years and elected by the whole island; 12 Connétables, representing the 12 administrative parishes of the island; 29 Deputies, elected by district, sometimes singly and sometimes in two-, three- or four-Member districts according to population. The non-elected Members are the Bailiff (President of the Assembly), the Attorney General and Solicitor General, all of whom are Crown appointees, and the Dean of Jersey representing the established church. These Members have a right of speech but not vote.
Elections	Every three years, elections for six of the 12 Senators take place in October and for 29 Deputies in November. Elections for Connétable take place three years after the date of the previous appointment, although from 2011 they will all be held together on the same day as the elections for Senators. The last Senators and Deputies elections were in 2005.
The Executive	Executive functions are discharged in part by the States Assembly but mostly by Ministers whose actions are scrutinized by five Scrutiny Panels and the Public Accounts Committee.
The Judiciary	The Bailiff is President of the Royal Court, the island's superior court, from which appeals lie to the Jersey Court of Appeal (members appointed by the Crown) and the Judicial Committee of the Privy Council.
Legal System	Based on Norman customary law for property, succession, obligations and crime and influenced in other areas by English common law. The island's original police force, an honorary system, is parish-based and now functions in tandem with the States of Jersey Police Force (a uniformed and salaried service).
Municipal Government	The island is divided into 12 administrative parishes, which are also the ecclesiastical parishes. Parishes are responsible for the up-keep of by-roads, some street lighting, refuse collection, the issue of various licences and for recommendations regarding the granting of liquor licences.
Area	45 square miles (118 sq. km); situated 14 miles off the northwest coast of France and 85 miles from the south coast of England.
Population	89,300 (year-end 2006)
Economy	The island's economy has changed markedly since the early 1960s from a traditional base of agriculture and tourism. For more than a decade, the financial services industry has accounted for about half of all economic activity in the island; the sector represented 52 per cent of total Gross Value Added (GVA) in 2006.
Climate	Jersey is the most southerly of the British Isles with one of the best sunshine records. It is warmed by the Gulf Stream and sheltered by the neighbouring Cherbourg peninsular. Summer temperatures average 20°C often tempered by sea breezes.
Language	The official language is English. French remains an official language of the courts and the States, but business is normally conducted in English. Jersey is a cosmopolitan island and is host to a large population of Portuguese and Polish-speaking nationals who make a sizeable contribution to the economy of the island. The native language, Jèrriais, similar to Norman French, is spoken in parts of the island and it is now taught in Jersey's primary and secondary schools.
Currency	Sterling; but Jersey issues its own coins and notes.
Time	As the United Kingdom, in summer one hour ahead of GMT (known as British Summer Time - BST).