

AG/SC/009

PRIVILEGES AND PROCEDURES COMMITTEE

(2nd Meeting)

4th January 2012PART A

All members were present, with the exception of Deputy M. Tadier, Deputy K.L. Moore, from whom apologies had been received.

Connétable A.S. Crowcroft of St. Helier, Chairman  
 Senator S.C. Ferguson  
 Senator Sir P.M. Bailhache  
 Connétable L. Norman of St. Clement  
 Deputy J.A. Martin

In attendance -

M.N. de la Haye, Greffier of the States  
 Mrs. A.H. Harris, Deputy Greffier of the States  
 Mrs. A.C. Goodyear, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A only.

Machinery of  
 Government:  
 review by  
 Privileges and  
 Procedures  
 Committee.  
 P.187/2011  
 1240/22/1(61)

A1. The Committee, with reference to its Minute No. A6 of 14th December 2011, received a draft comment in respect of the proposition 'Machinery of Government: review by the Privileges and Procedures Committee,' lodged '*au Greffe*' on 29th November 2011 by Deputy G.C.L. Baudains (P.187/2011 refers).

Having agreed an amendment to the draft comment, the Committee agreed that it should be presented to the States at the earliest opportunity. The Greffier of the States was requested to take the necessary action.

Election  
 campaign  
 period -  
 restrictions.  
 P.174/2011  
 450/2/1(65)

A2. The Committee, with reference to its Minute No. A9 of 14th December 2011, received a draft comment in respect of the proposition 'Election campaign period – restrictions,' which had been lodged *au Greffe* on 21st October 2011 (P.174/2011 refers).

Having agreed an amendment to the draft comment, the Committee agreed that it should be presented to the States at the earliest opportunity. The Greffier of the States was requested to take the necessary action.

Open ballot for  
 Ministers and  
 Chairmen.  
 P.188/2011  
 450/2/1(66)

A3. The Committee, with reference to its Minute No. A10 of 14th December 2011, received a draft comment in respect of the proposition 'Open ballot for Ministers and Chairman,' lodged '*au Greffe*' on 5th December 2011 by Deputy T.M. Pitman of St. Helier (P.188/2011 refers).

Having considered the content of the draft comment, the Committee agreed that it should be presented to the States at the earliest opportunity. The Greffier of the States was requested to take the necessary action.

Standing  
Orders:  
answers to  
questions.  
P.177/2011  
450/2/1(64)

A4. The Committee, with reference to its Minute No. A11 of 14th December 2011, received a draft comment in respect of the proposition ‘Standing Orders: answers to questions,’ lodged *au Greffe* on 21st October 2011 by Deputy G.P. Southern of St. Helier (P.177/2011 refers).

Having agreed an amendment to the draft comment, the Committee agreed that it should be presented to the States at the earliest opportunity. The Greffier of the States was requested to take the necessary action.

Electoral  
Commission.  
1240/22/1(59)

A5. The Committee, with reference to its Minute No. A19 of 14th December 2011, received a draft report and proposition entitled: ‘Electoral Commission: composition and terms of reference,’ in connexion with the proposition adopted by the States on 15th March 2011 entitled: ‘Electoral Commission: establishment’ (P.15.2011 refers).

The Committee recalled that it had been charged by the States to bring forward for debate proposals relating to the composition of the proposed Electoral Commission. It was noted that, in adopting the proposition P.15/2011, the States had agreed that an ‘independent’ Electoral Commission should be established. Advice had been received to the effect that this precluded members of the States from being appointed to serve on the Commission. The Committee had accordingly agreed at its previous meeting to draft a proposition that would, if adopted by the States, enable a States member to be appointed as a member of the Electoral Commission. The Committee received electronic correspondence from Deputy M. Tadier and Deputy K.L. Moore in this regard and noted the content therein.

The Committee considered the content of the draft report and proposition ‘Electoral Commission: composition and terms of reference,’ and discussed whether it should be amended so as to propose that the Commission be comprised of three members of the States and three independent members. Having discussed the matter, the Committee agreed that the draft proposition should be amended to propose that the Commission be comprised of three members of the States, one of whom would be its Chairman. It was further agreed that the number of persons on the proposed Commission should be increased from five to six in order to ensure that the number of States members did not outweigh the number of independent members. It was agreed that the three other members who were not members of the States should be appointed by the States on the recommendation of the Privileges and Procedures Committee following a recruitment process overseen by the Jersey Appointments Commission. The dissent of the Chairman and Deputy J.A. Martin to the decision to propose the amendment of the composition of the Commission as set out in P.15/2011 was noted.

In respect of the recruitment of independent members to serve on the Commission, the Committee agreed that on-Island advertising should be carried out. While national advertising would not be employed specifically, persons who were resident outside the Island would not be precluded from expressing an interest in being appointed to the Commission. It was noted that this approach could result in a significant reduction in costs, as the voted budget of £200,000 for the Commission had accounted for the fees, travel and accommodation costs of a Chairman and external members.

The Committee had regard for the terms of reference of the Commission, and agreed to propose that the following areas be removed:

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- the functions of the electoral process;
- voting systems; and
- voter registration.

The Committee was of the view that these areas should be considered as part of a review currently being established of the Public Elections (Jersey) Law 2002, and should not form part of the Commission's remit.

The Committee discussed the proposed timetable for establishing the Commission and the process to be followed upon completion of its work. It was agreed that the procedure to appoint States members to the Commission should reflect those used for the appointment of Chairmen and members of committees and panels, except that the voting process would be held by open ballot and that there would not be an initial requirement for nominations to be made by the Chairman. The Committee agreed that the Commission should complete its work by the end of December 2012 and that, at the conclusion of its investigation, the Commission would be required to present a report with recommendations to the Privileges and Procedures Committee which would then be presented to the States for approval. The proposals would subsequently be submitted to the electorate in a referendum. Should a review of the Machinery of Government be undertaken in parallel with the work of the Electoral Commission, the view was expressed that both parties would need to be aware of the impact of their respective findings and recommendations.

The Committee agreed that a proposition should be drafted in the above terms. It was noted that, should the Committee's proposition be rejected by the States, it would wish to pursue the establishment of an Electoral Commission in accordance with decision of the States in adopting P.15/2011.

It was suggested that the Committee consider lodging further propositions in relation to the composition of the States at the same time as proposing the amendments in respect of the Electoral Commission; however, the Committee agreed that it was not minded to do so at the present time.

The Greffier of the States was requested to take the necessary action.