

PRIVILEGES AND PROCEDURES COMMITTEE

(46th Meeting)

23rd May 2007PART A

All members were present, with the exception of Deputy C.H. Egré, from whom apologies had been received.

Connétable D.F. Gray of St. Clement - Chairman
 Senator M.E. Vibert
 Connétable K.A. Le Brun of St. Mary
 Deputy G.C.L. Baudains
 Deputy J. Gallichan

In attendance -

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

Note: The Minutes of this meeting comprise Part A and Part B.

- Minutes. A1. The Minutes of the meetings held on 27th April 2007 (Part A only), and 4th May 2007 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.
- Matter arising. A2. The Committee, with reference to its Minute No. A2 of 11th April 2007, was advised that the Corporate Services Scrutiny Panel had indicated that it would not scrutinise the draft Freedom of Information (Jersey) Law 200-. The Committee opined that time constraints could have lead to the Corporate Services Panel declining the request. It was agreed that it was an important matter which should be looked at by the Scrutiny Panel regardless of the time scale involved and the Committee directed the Deputy Greffier of the States to write to the Corporate Services Scrutiny Panel in order to establish the reason why it would not scrutinise the draft Law and to request that its decision be reviewed.
- Draft
 Composition and
 Election of the
 States Assembly:
 Election dates for
 Connétables
 (P.54/2007) -
 comment.
 1240/22/1(44)
Encl.
- A3. The Committee received and considered the draft Composition and Election of the States Assembly: Election Dates for Connétables (P.54/2007 - lodged 'au Greffe' on 19th April 2007 by the Comité des Connétables) together with an amendment (P.54/2007 Amendment) which had also been lodged by the Comité des Connétables.
- The Committee considered the proposition which was asking the States -
- (a) to agree that the 12 parish Connétables should all be elected on a single election day -
 - (i) for a term of office of 4 years;
 - (ii) with the first such election to take place in the autumn of 2008;
 - (iii) on a day that is neither an election day for Senators nor Deputies under the States of Jersey Law 2005;

- (b) to request the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the proposal including appropriate transitional arrangements to ensure that all 12 Connétables can be elected on a single election day by December 2008 at the latest.

The amendment proposed that paragraph (a)(iii) should read “on the last Wednesday of September in 2008 and each subsequent election year, being a day that is neither an election day for Senators nor Deputies under the States of Jersey Law 2005;”.

The Committee noted that despite the assurance given by the Chairman of the Comité in the States on 15th May 2007 the Comité had decided not to amend the 4 year term of office to a 3 year term of office. This meant that the proposition was now internally inconsistent as in paragraph (a)(i) it referred to a 4 year term but paragraph (a)(iii) suggested that elections would take place in September in each election year which was currently every 3 years. The Committee agreed that it would like the 4 year term to be introduced for all members but did not believe that it would be helpful to approve paragraph (a)(i) until a decision on the overall composition of the States had been taken. Therefore, the Committee felt that paragraph (a)(i) should be withdrawn by the Comité.

It was also noted that the Comité des Connétables had decided not to put forward an amendment which would introduce a voluntary system so that any of the 12 Connétables who wished to do so would be permitted to resign from office and stand in the 2008 election of Connétables for a new full term of office as the Connétables were unanimous that they would resign in 2008 which would result in a single election day for Connétables. The Committee opined that although the current 12 Connétables had agreed to resign and stand again, there was going to be a number of elections for Connétables in the coming months and it could be that future Connétables might not agree to curtail their term of office particularly if they had been in office for less than one year. The Committee recalled that it had been advised that any legislation to curtail terms of office by a significant period might not be compatible with human rights legislation and could be challenged. The Committee agreed that it could not bring forward legislation which would force all 12 Connétables to leave office but it would have to introduce a voluntary resignation system. Any Connétable who did not wish to resign could stay in office until the conclusion of their term of office and transitional arrangements would be made to manage the subsequent term of office.

The Committee was concerned that it was proposed that the election should take place in late September as this would result in 3 sets of elections in succession in the autumn of 2008. Also, it was not clear when the successful candidates in the Connétables elections would be sworn in. At present successful Senatorial candidates were not sworn in until December with the Deputies. The Committee opined that it might be unacceptable to wait 3 months to swear in newly elected Connétables and it would be curious to suggest that a Connétable who had lost their seat in that election could remain in charge of Parish administration for 2½ months. The Committee discussed the alternative which would be to swear in the newly elected Connétables immediately after the September election but this would mean that they would join the ‘old’ House in its final months. The Committee had felt that one of the benefits to holding a one day election for Connétables was so that they could have a full share in the induction programme which was arranged for all new States members. The Committee agreed that it might not be possible to organise a full induction programme for Connétables in advance of the normal programme organized in December/January after each election. It was also felt that some disruption might occur if a Connétable who had been serving as an Assistant Minister or on a scrutiny panel was not re-elected as the resulting vacancies might need to be filled for the last few weeks of the ‘old’ House.

The Committee stated that it was not opposed to the principle that all Connétables should be elected on one single election date as it was considered that this would raise the profile of the Connétables' elections and might, as a result, encourage greater turnout. However, the Committee agreed that a comment outlining its abovementioned concerns should be prepared and viewed by the Comité des Connétables prior to it being presented to the States to allow the Comité the opportunity to withdraw paragraph (a)(i) before the debate.

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

Matters for
information.

A4. The Committee noted the following matters for information -

- (a) correspondence, dated 11th May 2007, sent to Deputy G.P. Southern regarding the regulation of Political Parties; and,
- (b) correspondence, dated 11th May 2007, sent to Deputy P.V.F. Le Claire.