

PRIVILEGES AND PROCEDURES COMMITTEE

(111th Meeting)

14th June 2011

PART A

All members were present, with the exception of Senator B.I. Le Marquand, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
Senator S.C. Ferguson (not present for item No. A1)
Connétable P.F.M. Hanning of St. Saviour
Deputy J.B. Fox
Deputy J.A. Martin
Deputy T.M. Pitman

In attendance -

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

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

Minutes. A1. The Minutes of the meetings of 24th May 2011 (Part A and Part B) and 3rd June 2011 (Part B only), having been previously circulated, were taken as read and were confirmed.

‘Electoral Commission: possible options’. P.54/2011 1240/22/1(59)
A2. The Committee, with reference to its Minute No. A7 of 10th March 2011, received consultation responses from Mr. B.D. Bullock, dated 17th May 2011, and Deputy D.J.A. Wimberley, dated 20th June 2011, in respect of its report: ‘Electoral Commission: possible options’ (P.54/2011 refers).

The Committee considered the content of both documents, with particular regard to the comments received in respect of the possible composition of the Electoral Commission. Having taken account of the various options proposed by the Committee in its report, Mr. Bullock considered that it would be preferable for the Chairman of the Commission to be appointed from outside Jersey, and to be joined three or four local members. Mr. Bullock also considered that the result of any referendum in respect of the matter should be binding upon the States Assembly, and commented on potential cost-savings in respect of the proposed work of the Commission. While Deputy Wimberley’s original proposition had proposed that the composition of the Commission should be that of a chairman and 2 members from outside Jersey, with 3 members from Jersey, the Committee noted that, in his consultation response, the Deputy had stated that his favoured solution would be for the Commission to consist entirely of local individuals, with expertise available on demand. It was **agreed** that the Committee should discuss the matter with Deputy Wimberley prior to presenting a report to the States setting out its preferred way forward.

The Chairman was requested to write to Deputy Wimberley to invite him to attend the Committee’s next meeting. The Committee Clerk was requested to take the necessary action.

Draft States of Jersey (Miscellaneous Provisions) Law 201-: request to Privy Council. P.99/2011 450/1(16)

A3. The Committee received the proposition: 'Draft States of Jersey (Miscellaneous Provisions) Law 201-: request to Privy Council,' lodged *au Greffe* by the Deputy of Grouville on 6th June 2011 (P.99/2011 refers).

The proposition asked the States to refer to their Act dated 20th January 2011, in which they had adopted the States of Jersey (Miscellaneous Provisions) Law 201-, and to agree that it was no longer the wish of the Assembly that the Law should receive the sanction of Her Most Excellent Majesty in Council. The Committee noted that the content of the proposition reflected that contained within the proposition P.26/2011, which had been rejected by the States on 3rd March 2011 by 23 votes to 25. The Committee had regard for the comment which it had presented to the States in respect of P.26/2011 and agreed that a comment should be drafted in similar terms in respect of P.99/2011. The Committee wished to emphasise that the position was such that, should the States adopt the proposition of the Deputy of Grouville, this would cancel the reforms recently agreed by the States including the planned 'general election' in October 2014; the establishment of a four-year term of office for all members; and the transition to spring elections.

The Committee **agreed** that a comment should be drafted in respect of Projet No. P.99/2011 for consideration at a future meeting and subsequent presentation to the States. The Greffier of the States was requested to take the necessary action. Senator S.C. Ferguson requested that her decision to abstain from the Committee's decision to comment in the above terms be recorded.

States Assembly meeting dates 2012. 1240/2(81)

A4. The Committee received a report prepared by the Greffier of the States in connexion with the establishment of a schedule of States meeting dates for 2012.

The Committee noted that, in accordance with Standing Order 4 of the Standing Orders of the States of Jersey, it was required to draft a list of proposed meeting dates for presentation to the States by the end of September. The Committee considered a proposed fortnightly cycle of meetings. The draft schedule took account of the 'in principle' decision of the Committee as previously constituted that States meetings should not take place during school holidays. The Committee also considered a possible three-week meeting cycle, having noted that the Chairman had received electronic correspondence from Deputy J.A.N. Le Fondré dated 20th May 2011 which had requested that consideration be given to the establishment of such an approach. While the Committee recognised that benefits could arise through the establishment of a three-week cycle, it was noted that such a move would result in a requirement to start meetings earlier; to introduce more continuation days; to amend Standing Orders in respect the schedule for oral questions; and to assess the likely impact on the timing of the strategic plan, annual business plan and budget debates. The Committee agreed that it could not bring forward a 2012 schedule based on a three-week cycle without addressing these matters.

It was accordingly **agreed** that a report should be presented to the States setting out the proposed fortnightly cycle of meeting dates. The Greffier of the States was requested to take the necessary action.

Interventions from the Chair. 465/1(170)

A5. The Committee received electronic correspondence, dated 6th September 2011, from Deputy M. Tadier, in connexion with interventions made by the Chair during States debates.

The Committee noted that Deputy Tadier had expressed 'unease' in relation to decisions and interventions that had been made during States meetings and had invited the Committee to place the following matters on its agenda for consideration:

"1) To invite members with concerns to be able to address any issues and recommendations they have to PPC, or a sub-committee thereof, in

confidence.”

- 2) *To review whether a formal code stating what is reasonably expected from the Chair, especially in relation to deciding on who may speak.”*
- 3) *To review whether there are sufficient and reasonable avenues open to members who wish to register any grievances they have with decisions of the Chair.”*

In respect of paragraph (1), the Committee was of the view that, should any member have a concern in relation to interventions made by the Chair, this should be taken up directly with the Bailiff or the Deputy Bailiff. The Committee considered that both the Bailiff and Deputy Bailiff were willing to discuss members' concerns and it was **agreed** that it was not, therefore, prepared to pursue point (1) as proposed by Deputy Tadier. Having considered points (2) and (3) of the Deputy's correspondence, the Committee **agreed** that these matters should be included on its work programme. It was also considered that any review undertaken in this respect should also take into account the behaviour of members while in the States Chamber.

The Chairman was **requested** to write to Deputy Tadier to advise him accordingly.

Correspond-ence.

A6. The Committee noted correspondence that had been sent by the Chairman since its previous meeting, as follows:

- (a) to the Chief Minister dated 26th May 2011 in connexion with the proposition: 'Machinery of Government: review' (P.76/2011 refers);
- (b) to Connétable J.M. Refault, dated 26th May 2011, in connexion with Standing Order 168 (Minute No. A14 of the Committee's meeting of 24th May 2011 refers);
- (c) to Deputy E.J. Noel, dated 26th May 2011, in connexion with Standing Order 84 (the Committee's Minute No. A8 of the Committee's meeting of 24th May 2011 refers).

Work programme.

A7. The Committee received its ongoing work programme and noted the contents.