

IC/SC/017

PRIVILEGES AND PROCEDURES COMMITTEE

(23rd Meeting)

10th January 2013PART A

All members were present, with the exception of Deputy M. Tadier, 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 (for items A1, A2 and A7)
 Deputy J.A. Martin
 Deputy K.L. Moore

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 I. Clarkson, 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 29th October (Part A only) and 19th December 2012 (Parts A and B), having been circulated previously, were taken as read and were confirmed. |
| States Members' Remuneration: Proposed Increase for 2013 (P.127/2012). 1240/3(73) | <p>A2. The Committee, with reference to its Minute No. A3 of 19th December 2012, recalled having approved a comment to P.127/2012 that confirmed its opposition to the proposition on 3 grounds.</p> <p>The Committee acknowledged that there had been calls for further information to be provided to the States regarding the rate of increase in Members' remuneration in recent years. Although the Committee stood by its initial comment on P.127/2012, it recognised that Members might nevertheless be minded to debate P.127/2012 and that the Committee was in receipt of the information being sought.</p> <p>The Committee approved an additional comment to P.127/2012, to which was appended a table showing the rate of increase in Members' remuneration since 2004 when the States Members Remuneration Review Body began its work and comparisons with the increases in public sector pay, RPI and average earnings.</p> <p>The Greffier of the States was requested to make the necessary arrangements for the comment to be presented to the States.</p> |
| Jersey Annual Social Survey 2013: question topics. 1133/3(10) | <p>A3. The Committee considered a report concerning possible question topics for the forthcoming Jersey Annual Social Survey (JASS) for 2013.</p> <p>The Committee recalled that the JASS was designed to provide targeted information on characteristics of Jersey residents, as well as their opinions,</p> |

attitudes and behaviours in order to inform decision making for States of Jersey policies and public services. Contributions to the question set for the 2013 survey were being sought from individual departments in early course.

The Committee concluded that the JASS could provide it with useful data regarding –

- (a) the percentage of persons who chose not to exercise their right to vote in public elections and their reasons for refraining from voting, and
- (b) the extent to which Island residents actively sought information from www.statesassembly.gov.je and other publicly available resources regarding the proceedings of the States Assembly and its committees and panels.

In this regard, the Committee instructed its Committee Clerk to forward the above question topics to the Statistics Unit for consideration.

Connétable L. Norman was not present for this item.

Public
Elections
Review Sub-
Committee:
update.
465/8(2)

A4. The Committee, with reference to its Minute No. A5 of 19th December 2012, received a further oral update from the Chairman of the Public Elections Sub-Committee regarding production of the Sub-Committee's draft report.

It was clarified that the Deputy Greffier of the States had met with: the Law Draftsman; the Data Protection Commissioner, and the Director of Corporate Policy, Chief Minister's Department to discuss the Sub-Committee's emerging proposals regarding a register based on the new population database. A number of significant issues had been identified as a consequence. These were to be reported to the Sub-Committee in early course.

The Committee **noted** the position and agreed that it should review the Sub-Committee's draft report at its March meeting.

Connétable L. Norman was not present for this item.

Standing
Orders and
Internal
Procedures
Sub-
Committee:
update.
465/4(11)

A5. The Committee, with reference to its Minute No. A6 of 19th December 2012, received a further oral progress report from the Chairman of the Standing Orders and Internal Procedures Sub-Committee.

The Committee was advised that the Sub-Committee had met on 8th January 2013 to finalise its report, which would be submitted to the Committee at its meeting in February. Correspondence received from the Public Accounts Committee regarding impact assessments had been considered during the course of the meeting. The final report would address this issue directly.

The Committee noted the position.

Connétable L. Norman was not present for this item.

Machinery of
Government
Review Sub-
Committee:
update.
465/1(182)

A6. The Committee, with reference to its Minute No. A7 of 19th December 2012, received a further oral progress report concerning the ongoing work of the Machinery of Government Review Sub-Committee.

It was reported that the Sub-Committee was meeting with each of the Scrutiny Panels and the Public Accounts Committee with a view to ascertaining their respective views on the Sub-Committee's draft interim report. This series of meetings would be completed prior to the end of January 2013, following which the Sub-Committee would meet to consider the feedback obtained.

23rd Meeting
10.01.13

The Committee noted the position.

Connétable L. Norman was not present for this item.

Electoral
Commission:
final report.
1240/22/1/10
(6)

A7. The Committee, with reference to its Minute No. A8 of 19th December 2012, welcomed the following members of the Electoral Commission –

Mr. C. Storm, Vice Chairman
Connétable J.G. Gallichan of St. Mary
Deputy J.G. Baker of St. Helier
Mr. E. Sallis, OBE.

The Committee received the final report of the Commission, pending the public launch of the same at the Town Hall, St. Helier the following day.

It was confirmed that the Commission's core recommendations remained essentially as per the interim report published on 22nd October 2012. A 5th recommendation had nevertheless been added concerning the form of the referendum question to be put to the electorate. As such, the Commission's core recommendations were as follows –

1. The number of elected members of the States Assembly should be reduced to 42;
2. The Island should be divided into six large districts, each electing either seven representatives ("Deputies") or, if the Constables remained in the States, five representatives ("Deputies");
3. The Public should decide in the referendum whether the Constables should remain as members of the States Assembly;
4. The decisions of the States to create a general election and to move to a four-year term of office should be affirmed; and,
5. The above recommendations should be put to the electorate in a referendum in the form of the question set out on page 8 of the final report.

Further to the foregoing, the Commission had made subsidiary recommendations for consideration by the Committee or another appropriate body once the referendum had been held. These were as follows -

- (i) A Single Transferable Vote system should be introduced in elections for Deputy in 2018 and, should the Constables remain as members of the States, an Alternative Vote system should be introduced in respect of their election;
- (ii) A separate body should be established to consider whether parliamentary democracy in the Island would be strengthened by the constitution of a second legislative chamber or a new parliamentary committee dedicated to legislative scrutiny;
- (iii) Consequential changes to electoral law, including permitting Deputies to have the right to speak at any Parish Assembly in the electoral district for which they had been elected, should be enacted.

Regarding sub-paragraph (ii) above, the Committee was advised that the Commission had not, in the time available, been able to arrive at a definitive view on the question of whether legislative scrutiny might be enhanced by the establishment of a second chamber. It was nevertheless convinced that most of the primary legislation lodged '*au Greffe*' was enacted by the States with minimal

parliamentary scrutiny. The Committee was invited to accept that this state of affairs should be addressed with some urgency.

The Committee was apprised of the Commission's intention to publish a summary of the final report, which would be circulated to every household in the Island in early course.

Having reviewed the final report, the Committee acknowledged that the anticipated reduction in the number of States Members and the construction of the referendum question might emerge as comparatively controversial topics.

The Committee noted the report and **agreed** that it should present the same to the States forthwith.

The Committee turned its attention to the draft Referendum (Reform of the States Assembly) (Jersey) Act 201-. This had been prepared for the Committee's prompt consideration, reflecting the fact that there was limited time available within which to implement substantive change prior to the scheduled public elections in October 2014. During its deliberations, the Committee was invited to consider whether it would wish to make available funding to groups that might form to campaign on the referendum question. In this regard, the Commission invited the Committee to note that it had sufficient funds available within its budget to allow for the allocation to several groups of a relatively modest sum. Raising awareness of the proposals through a further series of parish meetings had been ruled out by Commission as a viable option on the basis that the position of the Connétables formed a critical part of the referendum question.

The Committee resolved to give careful consideration to the matter of funding for campaign groups in the event that the States were to approve the draft Act.

The Committee **agreed** to lodge '*au Greffe*' the draft Referendum (Reform of the States Assembly) (Jersey) Act 201- on 15th January 2013. Noting, however, that the draft Act had been tabled at the Committee's meeting, the foregoing decision was made with the caveat that individual members of the Committee would continue their review of the proposition and accompanying report following this meeting and would refer any issues to the Committee Clerk no later than Friday 11th January 2013.

Code of
Conduct for
Elected
Members: draft
report and
proposition.
1240/4(166)

A8. The Committee, with reference to its Minute No. B5 of 27th September 2012, recalled –

- (a) its consideration of a draft report and proposition proposing the establishment of a post of Commissioner for Standards to investigate alleged breaches of the Code of Conduct for elected members and make recommendations to the Committee; and,
- (b) having sought to establish whether the Chief Minister and the Council of Ministers would wish the proposed independent Commissioner for Standards to be empowered to assist with matters arising under an updated Code of Conduct for Ministers.

The Committee considered a report entitled: 'Code of Conduct Review,' appended to which was the Committee's draft report and proposition proposing the establishment of a post of Commissioner for Standards.

It was noted that the Chairman had invited the Chief Minister to attend this meeting and clarify his position on the Committee's draft report and proposition. The Chief Minister's Department had subsequently notified the Committee Clerk that the Chief Minister would not be available. No written confirmation of the

23rd Meeting
10.01.13

position of the Chief Minister and / or the Council of Ministers on the matter of a Commissioner for Standards had been forwarded to the Committee in the intervening period.

The Committee, having further considered the draft report and proposition entitled: 'Code of Conduct for Elected Members: Commissioner for Standards,' **approved** the same and requested that it be lodged '*au Greffe*' without further delay.

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