

PRIVILEGES AND PROCEDURES COMMITTEE

(41st Meeting)

21st March 2007**PART A**

All members were present, with the exception of Deputy G.C.L. Baudains, from whom apologies had been received and Senator S. Syvret.

Connétable D.F. Gray of St. Clement - Chairman  
 Senator M.E. Vibert  
 Connétable K.A. Le Brun of St. Mary  
 Deputy C.H. Egré  
 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 only.

Composition and  
 Election of the  
 States Assembly.  
 465/1(75)

A1. The Committee, with reference to its Minute No. A3 of 7th March 2007, considered the next steps that should be taken regarding the proposed reform of the States Assembly.

The Committee recalled that a leaflet outlining various options had been distributed to every household in the Island and three public meetings had been held to allow the public to express their views on the reform of the States Assembly. A further survey of public opinion had been conducted by Ipsos MORI and the results had been presented to the States in a report entitled "Survey in Electoral Reform in Jersey, 2007" - R.20/2007, a summary of the responses received to-date from the public had also been presented to the States in a report entitled "Composition and Election of the States - Summary of Responses to Consultation" - R.19/2007. States members had given their views on the matter during the 'in Committee' discussion which was held on Tuesday, 13th March 2007.

The Committee thanked the Deputy Greffier of the States for the papers she had supplied to them outlining the views of States members who had partaken in the 'in Committee' discussion. The Committee agreed that advising the States members in advance of the key points it wanted them to address during the 'in Committee' discussion had proved to be extremely beneficial. The Committee felt that there was a clear message that the Connétables should remain in the States, that the term of office for members should be 4 years, that there should be a general election on one single day for all members if possible and that there was some support for a reduction in the number of members. There appeared to be no consensus on whether the members of the States other than the Connétables should be elected on a Parish, Island-wide or large constituency basis although there was some support for the retention of the current mixture between Island-wide representation and Parish representation.

Connétable Le Brun elucidated and clarified a possible alternative for change which he had previously submitted for consideration. With regard to Connétable Le Brun's option, the Committee had some concern with the suggestion that the Senatorial elections could be restricted to nominations from persons who were already members of the States. The Committee was unsure whether or not it would be possible to restrict nominations in this way and it was agreed that it would be helpful to clarify the legal position.

The Committee then considered a proposition of Senator B.E. Shenton entitled 'Composition and Election of the States Assembly: Proposed Reforms' (P.145/2006 lodged 'au Greffe' on 3rd November 2006) which proposed one single election day to elect a reduced number of 8 Senators together with the 29 Deputies and 12 Connétables. In view of the outcome of the discussions on this subject the Committee felt that it might be appropriate to support this proposition subject to certain minor amendments. However, in light of human rights legislation, the Committee was uncertain whether or not it would be possible to restrict nominations so that a person could only stand for one of the 3 offices at a time. It was considered that if it was not possible to restrict candidates to one nomination some candidates might seek nomination for 2 or 3 of the categories and be elected 2 or 3 times. As one member could not hold 2 offices it would be necessary for that person to choose which office he or she wished to occupy and there would then be an unfilled vacancy in another category. The Committee considered whether it would be possible, in the circumstances, for the legislation to provide that the candidate who received the next largest number of votes should be declared as the successful candidate. If this system were adopted there would need to be provision for a bye-election if the seat had initially been uncontested. The Committee was of the opinion that this system of 'promoting' an unsuccessful candidate might be impractical and felt that a more likely outcome would be that all seats left vacant by people elected in more than one category would need to be filled in bye-elections. The Committee felt that this would be impractical and it would make Senator Shenton's proposition unworkable. It was requested that the legal position on the abovementioned be clarified.

Senator Shenton's proposition suggested that the term of office for the 6 Senators elected in 2005 should be brought forward to end in 2008. However, the Committee felt that some members might refuse to stand down and agreed that it would request advice on the legal implications of the proposal if any of the 6 Senators did object. It was noted that Senator Shenton's proposition recommended that the Chief Minister should only be appointed from members holding an island-wide mandate, namely Senators. The Committee felt that this could prove to be an incentive for the public to vote if they knew that the Chief Minister would be selected from those members who had been elected on an island-wide mandate.

The Committee agreed that it would lodge amendments to Senator Shenton's proposition and therefore it was important that the legal advice on the abovementioned matters was received as soon as possible as the debate on P.145/2006 was scheduled to take place on 1st May 2007 and amendments must be lodged by mid April at the latest.

The Committee further agreed that it would wish to progress its proposals on the regulation of election expenses and the creation of political parties. The Greffier of the States was requested to take the necessary action.