

STATES OF JERSEY



DRAFT AMENDMENT (No. 26) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 1st August 2014
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

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REPORT

The Jersey Overseas Aid Commission has recently approached PPC to request that appropriate amendments be brought forward before the 2014 elections to implement the decision of the States of 29th May 2012 (P.188/2011) to introduce open ballots for Ministers and chairmen of committees and panels.

Paragraph (c) of the proposition of Deputy T.M. Pitman of St. Helier, as adopted on 29th May 2012, read as follows –

(The States agreed) “(c) that the election of the Chairman of the Jersey Overseas Aid Commission should be undertaken by way of an open ballot and to charge the Chairman of the Commission to bring forward the necessary amendment to the constitution of the Jersey Overseas Aid Commission accordingly.”

The Commission is currently considering other amendments to the Jersey Overseas Aid Commission (Jersey) Law 2005 but, after consultation with the Law Draftsman, it was agreed that the best way to implement the requirement for an open ballot for the Chairman was to introduce new provisions in Standing Orders setting out the appointment procedure.

At present there are no provisions in Standing Orders at all relating to the appointment of the Chairman of the JOAC and of the States Commissioners and this is clearly unsatisfactory as it has been necessary, since 2005, to use a non-statutory procedure to make the appointments. These amendments to Standing Orders will, for the first time, set out the procedure to be followed.

The appointment of the Chairman will be made at the second meeting of the new States after an election and will follow the appointment of Ministers and of the chairmen of PPC, PAC and scrutiny panels. The appointment of the Chairman of the JOAC will follow exactly the same procedure used for the appointment of those chairmen. The Presiding Officer will invite nominations and, if there is more than one nomination, each candidate will speak for up to 10 minutes and be questioned for up to 20 minutes. An open ballot or ballots will then be held (with the candidate who receives the lowest number of votes dropping out) until one candidate receives more than 50% of the votes cast.

The appointment of 2 States members as States Commissioners will take place at the third meeting after the elections and will come after the appointment of members of other committees and panels. The constitution of the JOAC as set out in the Jersey Overseas Aid Commission (Jersey) Law 2005 requires the appointments to be made “on the recommendation of the Chairman” and it is not therefore possible to mirror, in

these amendments to Standing Orders, the process used for the appointment of members of other committees and panels where alternative nominations can be made from the floor after the chairman of the committee/panel concerned has proposed his or her nominees. The process set out in new Standing Order 126 is that the Chairman of the JOAC will make his or her 2 nominations for States Commissioners and members will be able to accept or reject each nomination. If a nomination is rejected the Chairman will be required to make a further nomination and the process will be repeated as necessary until 2 nominations have been approved by the States.

Financial and manpower implications

There are no additional financial or manpower implications arising from these amendments to Standing Orders.

Explanatory Note

These Amendments to the Standing Orders of the States of Jersey establish a procedure for the appointment of the chairman and the 2 States commissioners of the Jersey Overseas Aid Commission.

Amendment 1 is an interpretation provision.

Amendment 2 specifies when, in the sequence of appointments made following an ordinary election, the appointments of, respectively, the chairman and the 2 States commissioners are to take place. The chairman shall be appointed at the end of the 2nd meeting of a new States Assembly. The 2 States commissioners shall be appointed at the end of the 3rd meeting of the States Assembly.

Amendment 3 sets out the process for appointment of the chairman. The process is to be the same as that for the appointment of a chairman of a scrutiny panel, save that Article 7.1 of the constitution of the Jersey Overseas Aid Commission (set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005) requires that the appointment is made by ballot. The amendment provides for this to be an open ballot.

Amendment 4 sets out the process for appointment of the 2 States commissioners. Article 7.2 of the constitution of the Jersey Overseas Aid Commission (set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005) requires that the chairman recommends elected members for appointment as States commissioners. Accordingly, the chairman shall propose 2 appointees, and the States shall vote on each proposal separately. If the States reject a proposal by the chairman, the chairman must propose another elected member for appointment.

Amendment 5 provides for the citation and commencement of these Amendments.



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Arrangement

Amendment

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Jersey

DRAFT AMENDMENT (No. 26) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005¹, have made the following Amendments to the Standing Orders of the States of Jersey² –

1 Interpretation

In these Amendments, a reference to a standing order by number is a reference to the standing order of that number in the Standing Orders of the States of Jersey³.

2 Standing order 112 amended

In the table in standing order 112(1) –

- (a) in column 1, opposite the entry in column 2 for the 2nd meeting, after item 5 there shall be inserted the following item –

“5A. appointment of chairman of the Jersey Overseas Aid Commission”;	
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- (b) in column 1, opposite the entry in column 2 for the 3rd meeting, after item 9 there shall be added the following item –

“10. appointment of 2 States commissioners of the Jersey Overseas Aid Commission”.	
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3 Standing order 120A inserted

After standing order 120 there shall be inserted the following standing order –

“120A Chairman of Jersey Overseas Aid Commission: appointment process

- (1) The presiding officer shall invite elected members to make nominations for the office of chairman of the Jersey Overseas Aid Commission.
- (2) If only one person is nominated that person is appointed as chairman of the Jersey Overseas Aid Commission.
- (3) If more than one person is nominated, the presiding officer shall then, according to the order in which the candidates were nominated, invite each candidate to speak for up to 10 minutes.
- (4) After a candidate has spoken, the presiding officer shall allow up to 20 minutes for elected members to question the candidate.
- (5) While a candidate is speaking, or being questioned, other candidates must withdraw from the Chamber to a place where they cannot hear the proceedings in it.
- (6) When the speeches and questions are concluded, an open ballot shall be taken.
- (7) The candidate who receives more than half of the votes cast is appointed as chairman of the Jersey Overseas Aid Commission.
- (8) If no candidate receives more than half of the votes cast, the candidate with the lowest number of votes shall withdraw from the contest and a further open ballot shall be taken.
- (9) If, in the circumstances described in paragraph (8), there are 2 or more candidates who receive the same number of votes as each other, but fewer votes than all the other candidates, an open ballot shall be taken to select which of them shall remain in the contest and the candidate who receives the fewest votes shall withdraw from it.
- (10) A candidate may withdraw his or her candidacy at any time.
- (11) In the event that, by reason of the withdrawal of a candidate, only one candidate remains, the remaining candidate is appointed as chairman of the Jersey Overseas Aid Commission.”.

4 Standing order 126 inserted

After standing order 125 there shall be inserted the following standing order –

“126 States commissioners of the Jersey Overseas Aid Commission

- (1) The presiding officer shall invite the chairman of the Jersey Overseas Aid Commission to propose 2 elected members that he or she recommends for appointment as States commissioners of the Jersey Overseas Aid Commission.
- (2) The States shall then decide whether to appoint each of the elected members that have been proposed.

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- (3) If the States decide not to appoint either or both of the elected members proposed under paragraph (1), the presiding officer shall invite the chairman of the Jersey Overseas Aid Commission to make a fresh proposal under that paragraph of one or 2 elected members for such appointment.
 - (4) This process shall be repeated until the States have appointed 2 elected members as States commissioners of the Jersey Overseas Aid Commission.
 - (5) This process shall also apply, with the necessary modifications, in the event of a vacancy in the office of States commissioner of the Jersey Overseas Aid Commission.”.

5 Citation and commencement

These Amendments may be cited as Amendment (No. 26) of the Standing Orders of the States of Jersey and shall come into force 7 days after they are made.

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- ¹ *chapter 16.800*
² *chapter 16.800.15*
³ *chapter 16.800.15*