

IC/SC/098

PRIVILEGES AND PROCEDURES COMMITTEE

(26th Meeting)

14th March 2013PART A

All members were present, with the exception of Senator Sir P.M. Bailhache, Deputy K.L. Moore, from whom apologies had been received.

Connétable A.S. Crowcroft of St. Helier, Chairman  
 Senator S.C. Ferguson  
 Connétable L. Norman of St. Clement  
 Deputy J.A. Martin  
 Deputy M. Tadier

In attendance -

M.N. de la Haye, Greffier of the States  
 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 14th November 2012 (Parts A and B) and 7th February 2013 (Parts A and B), having been circulated previously, were taken as read and were confirmed.

Draft  
 Referendum  
 (Reform of  
 States  
 Assembly)  
 (Jersey) Act  
 201-: voter  
 registration  
 and  
 campaigning.  
 1417/1(3)

A2. The Committee, with reference to its Minute No. B3 of 7th February 2013, recalled its decision to commission a voter registration campaign in advance of the forthcoming referendum, which had been approved by the States Assembly.

The Committee was advised that the States Greffe had made preparations for a voter registration and turnout campaign that could include: a re-launched [www.vote.je](http://www.vote.je) website; radio and newspaper advertisements; banners and posters; social media engagement, and production of publications for distribution to all households in the Island. In the event that recognisable campaign groups for each of the options began to campaign actively, those campaign groups could be given equal space in a publication to put across their arguments, in much the same way as the election manifesto booklet had been produced and distributed prior to the 2011 public elections. Implementing the full package of proposals would necessitate a budget of £40,000.

The Committee noted and **endorsed** the voter registration and turnout campaign proposal.

The Committee also considered electronic correspondence submitted by Mr. D. Wimberley of St. Mary and by the political campaign group Reform Jersey concerning arrangements for the forthcoming referendum. It observed that the following 4 issues had been raised in the correspondence –

- (i) campaign funding;
- (ii) campaign expenditure limits;

- (iii) access to the electoral register, and
- (iv) regulating media coverage.

Having reflected on its terms of reference, the Committee concluded that the above matters generally fell outside of its remit. Neither was it apparent that existing legislation and enforcement mechanisms offered a means for the Committee to exercise influence.

The Committee noted an article in the Jersey Evening Post newspaper of 14th March, which referred to the formation of a second option A campaign group. Given a lack of clarity as to which, if any, groups were actively campaigning for options B and C, this development was thought to highlight the difficulty the Committee would face in distributing public funds equitably. It was agreed that the proposal to offer 3 representative campaign groups free space in a publication to be managed by the States Greffe and for distribution to all households in the Island would be a constructive way forward in the circumstances.

The Committee recalled that access to the electoral register was controlled by Article 12 of the Public Elections (Jersey) Law 2002. Referendum campaign groups were not recognised by Article 12. Moreover, there were related data protection issues to consider in the absence of formal recognition of referendum campaign groups.

The Committee acknowledged that, as a matter of good practice, it would be appropriate in due course to evaluate its role in the forthcoming referendum and, if necessary, to consider making recommendations to the States Assembly.

The Committee agreed that both Mr. Wimberley and Reform Jersey should be notified of the Committee's position.

The Committee Clerk was authorised to take the necessary action.

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

A3. The Committee, with reference to its Minute No. A6 of 7th February 2013, recalled that the Machinery of Government Review Sub-Committee had been reflecting on feedback received from the Scrutiny Panels and the Public Accounts Committee regarding its draft interim report.

The Committee considered the revised interim report of the Machinery of Government Review Sub-Committee.

It was explained that the Sub-Committee had settled on a series of initial recommendations pending the outcome of the forthcoming referendum on the constitution of the States Assembly. These were intended –

- (a) to address a lack of clarity regarding the constitution, terms of reference and accountability of a series of ministerial advisory and oversight groups;
- (b) to result in the Chief Minister being empowered to dismiss a Minister without prior recourse to the States Assembly;
- (c) to ensure that the Council of Ministers maintained as a standing agenda item a documented summary update on the work programmes of each individual Minister;
- (d) to clarify that the majority of States Members were convinced of the need to maintain minority government as recommended by the Clothier Panel, and

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- (e) to engage the Chairmen's Committee regarding the Electoral Commission's subsidiary recommendation on legislative scrutiny.

Having reviewed the draft, the Committee concluded that a brief executive summary should be added to the same prior to publication. It further concluded –

- (i) that recommendations 1 and 2 should be amended to require details of the anticipated duration of each advisory or oversight group formed by the executive;
- (ii) that an additional recommendation, requiring the Council of Ministers to publish and to keep updated a collated list of all advisory and oversight groups formed to progress the development or revision of policy, should be added; and,
- (iii) that the word 'ongoing' should be removed from the existing Recommendation 5.

Further to the above, the Committee formed the view that, subject to the outcome of any future consultation on the interim report, it was minded to amend the existing Recommendation 3 so as to propose that the Chief Minister be empowered both to hire and dismiss individual Ministers as per the recommendations made in the Clothier Report of December 2000.

The Committee **agreed** that the amended interim report should be recirculated for approval at its next meeting, following which the report would be presented to the States.

The Committee Clerk was authorised to take the necessary action.

Minister for  
External  
Relations.  
450/1(19)

A4. The Committee, with reference to its Minute No. B3 of 19th December 2012, noted that the Chief Minister had been invited to attend a meeting of the Committee to discuss the matter of a Minister for External Relations.

The Committee considered correspondence, dated 15th February 2013, from the Chief Minister concerning the proposed establishment of the office of Minister for External Relations. It observed that the Council of Ministers had endorsed the proposal on 7th December 2012 and that it had elected to share with the Corporate Services Scrutiny Panel the draft States of Jersey (Minister for External Relations) (Jersey) Regulations 201-

The Committee was advised that the Chief Minister anticipated being available to attend the Committee's next meeting on 25th April to discuss the matter.

The Committee **noted** the correspondence from the Chief Minister.

On a related matter, Senator S.C. Ferguson advised the Committee that the Corporate Services Scrutiny Panel had begun its review of the proposal and expected to report to the States in May 2013.

States  
Assembly:  
Annual Report  
2012.  
1240/25(7)

A5. The Committee, with reference to its Minute No. A3 of 14th March 2012, received the annual report of the States Assembly and the officers concerned in the preparation of the report for their work.

The Committee, having requested that certain photographs displayed in the report be interchanged, agreed to present the report to the States once a Foreword from the Bailiff and an Introduction from the Committee Chairman had been added. The Greffier of the States was requested to take the necessary action.