

STATES OF JERSEY

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DRAFT AMENDMENT (No. 9) OF THE STANDING ORDERS OF THE STATES OF JERSEY (P.140/2008): AMENDMENTS

Lodged au Greffe on 23rd September 2008
by Senator M.E. Vibert

STATES GREFFE

1 PAGE 15, AMENDMENT 9 –

For Amendment 9 substitute the following Amendments –

“9 Standing order 112 amended

In standing order 112(1), in the order of selection for appointment, item 10 shall be deleted.

*** Standing order 114 amended**

In standing order 114(1), sub-paragraph (f) shall be deleted.”

2 PAGE 16, AMENDMENT 12 –

For Amendment 12 substitute the following Amendments –

“* Standing order 121 amended

In standing order 121(1) the words ‘by virtue of their office’ shall be deleted.

*** Standing order 122 substituted**

For standing order 122 there shall be substituted the following standing order –

‘122 Membership of the PPC: appointment process

- (1) The chairman of the PPC shall nominate 3 elected members, who are neither Ministers or Assistant Ministers, as candidates for membership of the PPC.
- (2) The presiding officer shall invite elected members to nominate other elected members who are neither Ministers or Assistant Ministers as candidates.
- (3) If there are no other elected members nominated who are neither Ministers or Assistant Ministers, the 3 elected members nominated under paragraph (1) are appointed as members of the PPC.
- (4) Otherwise, if there are more than 3 candidates who are neither Ministers or Assistant Ministers, there shall be a secret ballot and the 3 candidates who receive the highest number of votes are appointed as members.
- (5) The chairman of the PPC shall then, after consultation with the Chief Minister, nominate 2 elected members, who are each a Minister or an Assistant Minister, as candidates for membership of the PPC.
- (6) The presiding officer shall invite elected members to nominate other elected members, who are either Ministers or Assistant Ministers, as candidates.
- (7) If there are no other elected members nominated who are either Ministers or Assistant Ministers, the 2 elected members nominated under paragraph (5) are appointed as members of the PPC.

- (8) Otherwise, if there are more than 2 candidates who are each a Minister or Assistant Minister there shall be a secret ballot and the 2 candidates who receive the highest number of votes are appointed as members of the PPC.
- (9) The chairman of the PPC shall then, after consultation with the president of the chairmen's committee, nominate a member of the chairmen's committee as a candidate for membership of the PPC.
- (10) The presiding officer shall invite elected members to nominate other members of the chairmen's committee as candidates.
- (11) If no other members of the chairmen's committee are nominated the member nominated under paragraph (9) is appointed as a member of the PPC.
- (12) Otherwise, if there are 2 or more candidates who are members of the chairmen's committee there shall be a secret ballot and the candidate who receive the highest number of votes is appointed as member.
- (13) In a ballot an elected member shall have the same number of votes as there are members to appoint, although a member need not use all of his or her votes.
- (14) In the event that 2 or more candidates receive the same number of votes in a ballot, being a number which, if received by one candidate, would be the lowest number of votes required for that candidate to be appointed as a member, there shall be a further secret ballot between those candidates, and the candidate receiving the greater number of votes shall be appointed as a member of the PPC.
- (15) This process shall also apply, with the necessary modifications, in the event of one or more vacancies in the membership of the PPC.'."

3 PAGE 17, AMENDMENT 13 –

For Amendment 13 substitute the following Amendment –

“* **Standing order 126 revoked**
Standing order 126 shall be revoked.”

4 PAGE 18, NEW AMENDMENTS TO FOLLOW AMENDMENT 15 –

After Amendment 15 insert the following Amendments –

“* **Standing order 142 amended**
In standing order 142 –

- (a) in paragraph (1) there shall be deleted –
 - (i) the word ‘and’ at the end of sub-paragraph (b);
 - (ii) sub-paragraph (c);
- (b) for paragraph (2) there shall be substituted the following paragraph –

‘(2) The States shall appoint the president of the chairmen’s committee.’

* **Standing order 144 revoked**
Standing order 144 shall be revoked.”

And renumber the provisions accordingly.

SENATOR M.E. VIBERT

REPORT

I was a member of the PPC sub-committee which carried out the Review of the Machinery of Government and which published its report on that issue in November 2007 (R.105/2007).

One of the recommendations included in that report is that “The sub-committee does not see the need to have 2 independent members on the Chairmen’s Committee.” The full Privileges and Procedures Committee did not feel it necessary to bring forward this recommendation as a proposition to the States but I believe the States as a whole should be given the opportunity to express their view on it.

I reproduce the relevant part of R.105/2007 in full below –

7.2 General

7.2.1 *The sub-committee noted several comments from members that it interviewed regarding the membership and activity of the Chairmen’s Committee. It was noted that the Chairmen’s Committee comprised the 5 Chairmen ‘ex officio’ and 2 additional independent members. The President of the Chairmen’s Committee must be appointed from amongst the persons who are members of the Committee by virtue of their office, although the Vice-President does not need to be a Chairman. There was some discussion on the rôle of the independent members and it was recalled that when the Privileges and Procedures Committee decided how the Chairmen’s Committee should be comprised, independent members had been added to the complement of Chairmen to provide balance and also to provide independence in Scrutiny reviews. However, the sub-committee was concerned that the size of the Chairmen’s Committee was too large, given that it comprised 8 members out of a total of 22 members in Scrutiny. It is not clear to the sub-committee that the 2 additional members are necessary on the Committee. Although the 2 members appointed by the States in 2006 (Deputies Le Hérissier and Reed) have played a valuable part in the work of the Chairmen’s Committee, with Deputy Le Hérissier acting as Vice-President, the sub-committee has concluded that the rôle of the Committee can be compromised by the appointment of these additional members. The quorum of the Committee is currently 4 and therefore, in theory, the Committee could be quorate to take significant decisions about scrutiny with only one Scrutiny Panel Chairman present, the other 3 members present being the Chairman of PAC (currently also Committee President) and the 2 independent members, one of whom sits on PAC but not on a Scrutiny Panel. The sub-committee believes that the Committee would be more focussed and effective if it simply brought together the 5 Panel Chairmen and the Chairman of PAC so that each Panel is only represented once. At present, the 2 extra members can bring an imbalance to the Committee as one Scrutiny Panel or the Public Accounts Committee can be represented by another member as well as the Chairman.*

<p>Recommendation 36 <i>The sub-committee does not see the need to have 2 independent members on the Chairmen’s Committee.</i></p>

An added benefit of reducing the Chairmen’s Committee to Chairmen only is that it will simplify the appointment of the Chairmen’s Committee representative of the Privileges and Procedures Committee.

Financial and manpower implications

There are no financial or manpower implications arising from the amendments.

The detail of how these 4 Amendments relate to the current Standing Orders is as follows –

Amendment 1

The substituted wording for PPC’s Amendment (9) amends the current Standing Orders 112 and 114.

Standing Order 112 currently reads as follows (item 10 in this list would be deleted) –

“112 Order of and time for selection and appointment following ordinary election

- (1) When, by virtue of the Law and standing orders, selections and appointments must be made following an ordinary election, they shall be made in the order and at the meeting described in the following table –

<i>Order of selection or appointment</i>	<i>When</i>
1. selection of Chief Minister designate	Meeting commenced within the period of 14 days following the ordinary election (1st meeting)
2. selection of Ministers 3. appointment of chairman of the PPC 4. appointment of chairman of the PAC 5. appointment of chairmen of the scrutiny panels, in the following order – (a) corporate services; (b) economic affairs; (c) education and home affairs; (d) environment; (e) health, social security and housing.	Meeting commenced 2 clear working days after the close of the 1st meeting (2nd meeting)
6. appointment of president of the chairmen’s committee 7. appointment of members of the PPC 8. appointment of elected members as members of the PAC 9. appointment of members of scrutiny panels, in the order in which the chairmen of the panels are appointed	3rd meeting
10. appointment of members of chairmen’s committee	4th meeting ”

Standing Order 114(1) currently reads as follows (item (f) would be deleted) –

“114 Filling casual vacancies

- (1) This standing order applies to the filling of a casual vacancy in any of the following offices –
- (a) chairman of the PPC;
 - (b) chairman of the PAC;
 - (c) chairman of a scrutiny panel;
 - (d) president of the chairmen’s committee;
 - (e) member of the PPC;
 - ~~(f) member of the chairmen’s committee appointed by the States.”~~

This first amendment will therefore provide a basis to debate the ‘principle’ of removing the 2 additional members from the Chairmen’s Committee. The remaining amendments will then be treated as consequential on this first decision or will fall away if this first amendment is rejected.

Amendment 2

The substituted wording for PPC's Amendment (12) in this Amendment makes 2 consequential changes.

It firstly removes reference to the 2 additional members in Standing Order 121. This currently reads as follows (the words "by virtue of their office" would be deleted) –

“121 President of the chairmen’s committee: appointment process

- (1) The presiding officer shall invite elected members to make nominations for the office of president of the chairmen’s committee from amongst the persons who are members of that committee ~~by virtue of their office.~~”

The second part of this amendment substitutes Standing Order 122. If the principle of removing the 2 additional members of the Chairmen’s Committee is adopted the process of appointing members of PPC can be simplified as all the members from the 3 ‘categories’ (i.e. 3 persons who are not Ministers or Assistant Ministers, 2 who are, and one who is a member of the Chairmen’s Committee) can be done at one time at the 3rd meeting after the elections.

Amendment 3

This consequential Amendment which substitutes PPC's Amendment (13) simply revokes current Standing Order 126. That Standing Order currently reads as follows (but would not be needed if the principle of removing the 2 additional members of the Chairmen’s Committee is adopted) –

“126 Appointed members of chairmen’s committee: appointment process

- (1) The president of the chairmen’s committee shall nominate 2 elected members, neither of whom is a Minister or Assistant Minister, for membership of the chairmen’s committee.
- (2) The presiding officer shall invite elected members to nominate other candidates.
- (3) If no other candidates are nominated, the persons nominated by the president of the chairmen’s committee are appointed as members of that committee.
- (4) If other candidates are nominated there shall be a secret ballot and the 2 candidates who receive the highest number of votes are appointed as members of the chairmen’s committee.
- (5) In the ballot, an elected member shall have 2 votes, although he or she need not use them both.
- (6) In the event that 2 or more candidates receive the same number of votes in the ballot, being a number which, if received by one candidate, would be the lowest number of votes required for that candidate to be appointed as a member, there shall be a further secret ballot between those candidates and the candidate receiving the greater number of votes shall be appointed as a member of the chairmen’s committee.
- (7) This process shall also apply, with the necessary modifications, in the event of a vacancy in the membership of the chairmen’s committee appointed by the States.”

Amendment 4

This Amendment makes further consequential changes if the principle of removing the additional 2 members of the Chairmen’s Committee is adopted.

It firstly amends Standing Order 142 and the changes from the current Standing Order are illustrated as follows –

“142 Chairmen’s committee: establishment and constitution

- (1) There shall be a chairmen’s committee which shall consist of –
 - (a) the chairman of the PAC, by virtue of his or her office;

- (b) each chairman of a scrutiny panel, by virtue of his or her office; ~~and~~
- ~~(c) 2 elected members, neither of whom is a Minister or Assistant Minister, who the States shall appoint.~~
- (2) The States shall appoint the president of the chairmen's committee ~~from amongst the persons who are members of the committee by virtue of their office.~~
- (3) The chairmen's committee shall appoint one of their number to be vice president."

The second part of this amendment revokes Standing Order 144 which will not be required. That Standing Order currently reads as follows –

“144 Chairmen’s committee: term of office and resignation of member appointed by the States

- (1) A member of the chairmen's committee appointed by the States shall hold office until the beginning of the 1st meeting following the next ordinary election unless he or she resigns or otherwise ceases to hold office earlier.
- (2) A member of the chairmen's committee appointed by the States may resign –
 - (a) during a meeting of the States, by personally informing the States; or
 - (b) by giving written notice to the Bailiff.
- (3) Where the member gives written notice of his or her resignation to the Bailiff, the presiding officer shall inform the States of the resignation at their next meeting.
- (4) The member vacates office when the States are informed of his or her resignation.
- (5) A member of the chairmen's committee appointed by the States shall cease to hold office upon his or her appointment as a Minister or Assistant Minister.”