

AG/SC/340

PRIVILEGES AND PROCEDURES COMMITTEE

(16th Meeting)

15th November 2013**PART A**

All members were present.

Deputy J.M. Maçon, Chairman (not present for item B3)
 Senator S.C. Ferguson
 Senator B.I. Le Marquand
 Connétable L. Norman of St. Clement
 Deputy J.A. Martin
 Deputy M. Tadier (Acting Chairman for item B3)
 Deputy J.H. Young (not present in his capacity as a Committee member
 for item B1; not present for item B3)

In attendance -

Deputy S. Pitman (item B1 only)
 Deputy J.H. Young (item B1)
 I. Clarkson, Scrutiny Officer (item A7 only)
 M.N. de la Haye, Greffier of the States
 A.H. Harris, Deputy Greffier of the States
 A. Goodyear, Committee Clerk

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes. A1. The Minutes of the meetings of 24th September (Part A only), 3rd October 2013 (Part A and Part B), 11th October (Part A only), 18th October (Part A and Part B), 23rd October (Part A only), 1st November (Part A only) and 4th November 2013 (Part B only), having been previously circulated, were taken as read and were confirmed.

Meeting dates 2014. A2. The Committee agreed its meeting dates for 2014, as follows:

16th January
 6th February
 6th March
 10th April
 8th May
 5th June
 10th July
 11th September

It was noted that meetings would be held in the Blampied Room, States Building, and would commence at 2.30 p.m. unless members were advised otherwise.

Machinery of Government Review: Steering A3. The Committee, with reference to its Minute No. B1 of 18th October 2013, received a report dated 4th November 2013 from the Machinery of Government Steering Group in connexion with its consideration of the reform recommendations of the Machinery of Government Sub-Committee.

The Committee recalled that it had established the Steering Group to take forward the Sub-Committee's recommendations as set out in its final report (R.105/2013 refers). The Steering Group had held its first meeting on 24th October 2013 and had appointed Deputy J.M. Maçon as Chairman. The Committee agreed that it was broadly in support of the recommendations of the Sub-Committee in relation to the executive. While the Committee expressed some reservations in respect of recommendation 8, which proposed that only the Chief Minister Designate should be able to nominate candidates for Ministerial positions, and recommendation 12, which proposed that the Council of Ministers should be bound by collective responsibility, on balance, the Committee considered that this approach was appropriate provided that the correct checks and balances were in place. Recommendation 6 proposed to empower the Chief Minister to change ministerial portfolios and to determine the optimum number of Ministerial appointments once he or she had been elected as Chief Minister Designate, and while the majority of the Committee agreed with the proposal, it was noted that this would be likely to result in a requirement for a considerable number of statutory amendments. A majority of the Committee was content with recommendation 10, which provided that the States should vote for or against the list of proposed Ministers on an individual basis. It was considered that, should a slate approach be adopted, the Chief Minister Designate would not be able to determine which of his proposed Ministers had caused the entire list to be rejected and that this would be an unsatisfactory way to proceed. The Committee expressed reservations with regard to recommendation 22, which required that the Chief Minister should be entitled to three attempts to appoint a new Minister. With regard to the proposal being mooted that the role of Assistant Minister be removed and a greater number of Ministers be appointed than at present, within the confines of the 'Troy' rule, the Committee was of the view that the current delineation between Ministers and Assistant Ministers should be retained.

The Committee favoured a flexible approach to Scrutiny and expressed majority support for recommendation 32 relating to the formation of a Scrutiny Management Committee, with the reservation that there would need to be confidence that members would put themselves forward to undertake reviews. The Committee did not support recommendation 33, which proposed that only non-executive States members should be permitted to cast votes during the election of the Scrutiny Management Committee or for a replacement member of the Scrutiny Management Committee. In addition, the Committee did not support recommendation 34, which proposed that the dismissal and replacement of individual members of the Scrutiny Management Committee should be a matter determined by the States following debate on a no confidence proposition, to be lodged by a member of the non-executive only. The Committee was of the view that all members should be able to cast votes during an election for a member of the Scrutiny Management Committee and that any member should also be able to lodge a proposition for their dismissal. With regard to recommendation 41, which proposed that terms of reference for individual Scrutiny committees should be approved by the member of the Scrutiny Management Committee with oversight responsibility for that topic area, the Committee disagreed, and considered that terms of reference should be approved by the Scrutiny Management Committee as a whole. The Committee was split with regard to the recommendation that Assistant Ministers should not be permitted to serve on Scrutiny (recommendation 45 refers).

With regard to recommendation 48, that an additional research resource should be made available to non-executive States members to assist them with the development of draft policy proposals, it was considered that such a provision should be made available to all members for the development of their individual

16th Meeting
15.11.13

policy proposals.

The Chairman was requested to advise the Steering Group of the outcome of its discussions.

Public
Elections:
Single
Transferable
Voting System
(STV) and an
Alternative
Voting System
(AV)
(P.86/2013).
424/2(86)

A4. The Committee, with reference to its Minute No. A1 of 18th October 2013, recalled that it intended to consider the presentation of a comment to the States in respect of the proposition of Deputy M. Tadier entitled: ‘Public Elections: Single Transferable Voting System (STV) and an Alternative Voting System (AV)’ (P.86/2013 refers) once the outcome of the reform debates was known (P.93/2013, P.94/2013, P.98/2013, P.116/2013 P.117/2013 and associated amendments refer).

The Committee recalled that debate on the proposition of Senator Ozouf ‘Composition and Election of the States – reform proposal 1’ (P.93/2013 refers) had been deferred and was now scheduled to take place on 3rd December 2013. It was noted that Deputy Tadier had deferred debate on his proposition until 10th December 2013 and it was agreed that the Committee would consider the content of any comment it wished to make in respect of the proposition following the outcome of the debate in respect of P.93/2013.

Composition
and Election of
the States
Assembly –
reform
proposals:
referendum.
465/1(195)

A5. The Committee, with reference to its Minute No. A1 of 23rd October 2013, received a report in connexion with the adoption by the States on 5th November 2013 of paragraph (e) of the proposition of Deputy A.K.F. Green of St. Helier (P.117/2013 refers) and of paragraph (e) of the Committee’s proposition P.116/2013 regarding the holding of referendums on the day of the 2014 elections.

The States had adopted the proposition of Deputy Green that:

“a referendum under the Referendum (Jersey) Law 2002 should be held on the day of the 2014 elections with a single Yes/No question to ask voters whether they agree that the Constables should remain as members of States Assembly as an automatic right and to request the Privileges and Procedures Committee to bring forward for approval the necessary Referendum Act to enable the referendum to take place.”

In addition, the States had adopted the Committee’s proposition that:

“a referendum under the Referendum (Jersey) Law 2002 should be held on the day of the 2014 elections with a single Yes/No question to ask voters whether they agree that the States Assembly should, with effect from the 2018 elections, be comprised of a single category of members elected on a parish basis in accordance with the recommendation of the Report of the Review Panel on the Machinery of Government in Jersey (the ‘Clothier’ Report) published in December 2000, and to request the Privileges and Procedures Committee to bring forward for approval the necessary Referendum Act to enable the referendum to take place.”

The Committee considered that, should it decide to lodge a proposition to hold two referendums comprising each of the aforementioned questions as presently worded, with both referendums to be held on the same day, difficulties would be likely to arise in interpreting the results. For example, if the result following the vote was ‘yes’ to both questions, the outcome could be interpreted as a request for a States Assembly comprising solely of 12 Connétables. The Chairman advised the Committee that Deputy Green was aware of this anomaly and considered that it would not be appropriate for both questions to be asked. The view was expressed that it was important for the Committee to prepare the ground in order for the next States Assembly to take the matter forward following the 2014 elections. The

Committee considered that, rather than lodge a proposition for the rescindment of the decision of the States in respect of the proposition of Deputy Green, it would bring a Referendum Act forward for approval solely in respect of its question in relation to the introduction of a States Assembly comprised of a single category of members. The Committee's decision would be explained to the Assembly by the Chairman at the relevant juncture. It was agreed that a publicity campaign would be required in respect of the referendum.

The Committee Clerk was requested to take the necessary action.

Public
Elections:
amendments to
legislation and
administration.
424/2(88)

A6. The Committee received an update from the Deputy Greffier following the debate by the States on 6th November 2013 of the Committee's proposition 'Public Elections: amendments to legislation and administration' (P.110/2013).

It was noted that a number of work-streams were being progressed following the decision of the States to update the Public Elections (Jersey) Law 2002. Recommendations which required information technology input included online voter registration, the introduction of a supplementary electoral register, revisions to the application process for postal and pre-poll votes, the introduction of a 'walk list' version of the electoral register for candidates and the web-streaming of hustings meetings. The Committee, with reference to its Minute No. B1 of 3rd October 2013, recalled that consideration was currently being given to the feasibility of using the Names and Addresses Register to generate the electoral register automatically, and that the outcome of these discussions were likely to influence decisions in respect of a number of the other matters. It was noted that Mr. John Turner, Chief Executive, Association of Electoral Administrators, would visit the Island on 11th December 2013 to discuss the possible use of the Names and Addresses Register and would attend meetings with the Chairman and Deputy Martin as well as with representatives from the States Greffe, Judicial Greffe, Population Office and the parish secretaries. On other matters, enquiries had been made to the parishes in respect of whether an individual's electoral roll number could be included on the proposed registration cards.

Work was shortly due to commence on the voter registration and turnout campaign for 2014. This would include the provision of an information pack for teachers and students, as well as posters, leaflets and the circulation of the manifestos document, which might be of a lower quality but it was hoped could therefore be circulated much sooner. The website www.vote.je would be populated with up-to-date information and the use of social media would be optimised.

The position was noted.

Members'
facilities:
review of IT
provision.
1240/9/1(70)

A7. The Committee, with reference to its Minute No. B4 of 5th September 2013, received correspondence dated 6th November 2013 from Mr. I. Webb, Interim Head of Information Services, regarding the provision of information technology for States members, and an accompanying report.

The Committee welcomed Mr. Webb and Mr. I. Clarkson, former Clerk to the Committee, in this regard. The Committee recalled that it was proposed to transfer the £31,000 budget currently operated by Information Services in respect of the on-going provision of information technology for States members, to the States Assembly budget with effect from 1st January 2014. This budget would be sufficient to allow each member to claim up to £600 per annum for the provision of hardware, broadband and software to assist them in their work as a member of the States. Devices purchased would be categorised as personally owned and operated under a 'Bring Your Own Device' policy and members would be advised to take out device insurance against loss and damage. The connection of the

16th Meeting
15.11.13

devices to States of Jersey corporate systems would be dependent upon the member adhering to Information Services policies in respect of mobile devices and information governance, including Data Protection notification. On a related matter, it was noted that Jersey Telecom had advised Information Services that under its new billing service it was unable to support the dual payment arrangement which was currently in place for States members. Accordingly, for December 2013, Information Services would transfer funds to the States Greffe to reimburse members for the provision of the basic broadband service. It was agreed the States Members' Remuneration Review Body should be requested to provide a recommendation regarding how information services expenses should be reflected within the standard expense allowance for States members from 2015.

The Committee approved the outlined approach and agreed that correspondence should be sent to all States members to advise them of the changes. The Committee Clerk was requested to take the necessary action.

Questions to
the Minister
for Treasury
and Resources.
450/2/1(78)

A8. The Committee received electronic correspondence dated 9th October 2013 from the Connétable of St. Lawrence regarding questions to the Minister for Treasury and Resources.

The Connétable proposed that the time permitted to ask questions of the Minister for Treasury and Resources in relation to the budget should be extended from the ten minutes currently permitted under Standing Order 68, 'Statement on a matter of official responsibility,' to 30 minutes. It was agreed that the Connétable should be invited to attend the next meeting of the Committee in order to discuss her proposals. The Committee Clerk was requested to take the necessary action.

States
members'
remuneration:
proposed
increase 2014'
(P.128/2013).
1240/3(73)

A9. The Committee received the proposition 'States members' remuneration: proposed increase 2014' which had been lodged *au Greffe* on 11th October 2013 by the Connétable of St. John (P.128/2013 refers).

The Committee noted that the proposition asked the States to decide whether they were of opinion to agree that the recommendation of the States Members' Remuneration Review body to increase the remuneration for States members in 2014 by £600 (excluding expenses) should not be implemented and that the remuneration for 2014 (excluding expenses) should remain at the current level of £42,000. The Committee recalled that a similar proposition had been lodged by the Connétable of St. Saviour on 3rd December 2012 regarding the proposed increase in States members' remuneration for 2013 (P.127/2012 refers) and noted its comment in respect of the proposition, which had been presented to the States on 21st December 2012.

The Committee remained of the view that States members should not be directly engaged in the setting of their own rates of remuneration and agreed that its comment in respect of P.127/2012 should be revised and updated and presented to the States in respect of the proposition of the Connétable of St. John. The Committee Clerk was directed to take the necessary action.

Correspond-
ence received
from Mr. D.
Wimberley.
465/1(194)

A10. The Committee received correspondence dated 13th November 2013 from Mr. D. Wimberley outlining his proposals to the Committee following the reform debates which had taken place on 5th November 2013 (P.94/2013, P.98/2013, P.116/2013 P.117/2013 and associated amendments refer).

Mr. Wimberley considered that a responses report of the submissions made to the Electoral Commission should be prepared outlining the salient points made and that the views of the public should be sought by the Committee through the mechanism of the Jersey Annual Social Survey. Mr. Wimberley proposed a series

of questions that could be asked, and the format in which they might appear. The Committee, with reference to its Minute No. A5 of the present meeting, noted that it had been charged with taking forward the decision of the States to hold a referendum on election day 2014 and intended to commence work on the development of an appropriate referendum question. The Committee also awaited the outcome of the debate of the proposition of Senator P.F.C. Ozouf 'Composition and election of the States Assembly: reform – proposal 1' (P.93/2013) which was scheduled to take place on 3rd December 2013. The Committee would further give consideration to the inclusion of relevant questions in the next Jersey Annual Social Survey.

The Chairman was requested to thank Mr. Wimberley for his correspondence and to advise him of the aforementioned approach being taken by the Committee. The Committee Clerk was requested to take the necessary action.

Reports of the
States of
Jersey
Complaints
Board.
1386/6/1(1)

A11. The Committee recalled that, in accordance with Article 9(9) of the Administrative Decisions (Review) (Jersey) Law 1982, it was required to present reports of the States of Jersey Complaints Board to the States in the Report series.

The Committee agreed to grant standing authority for any such reports to be presented to the States upon receipt, with the Committee to be notified accordingly.

Referenda:
revised
procedures
(P.153/2013).
1417/1(4)

A12. The Committee received the proposition: 'Referenda: revised procedures' which had been lodged *au Greffe* on 13th November 2013 by Deputy R.G. Le Hérisier.

The Committee noted that the proposition requested it to review the current provisions of the Referendum (Jersey) Law 2002 and to bring forward proposals, with appropriate amendments to the Law if necessary, to define more clearly the conditions that may be applied to the holding of any future referendum. The Committee considered that research would need to be carried out into the position in other jurisdictions. It was agreed that, while the Committee would be prepared to review the current provisions of the law, it would not be possible for any amendments to be put in place in advance of the 2014 elections, as law drafting time had not been scheduled and any legislative amendments would require Privy Council approval. It was considered that Deputy Le Hérisier may wish to seek legal advice with regard to the proposal.