

STATES OF JERSEY



ELECTED SPEAKER AND DEPUTY SPEAKER OF THE STATES ASSEMBLY: SELECTION AND APPOINTMENT (P.31/2019) – COMMENTS

**Presented to the States on 10th April 2019
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

The Privileges and Procedures Committee is of the view that it would assist States Members, when considering this important issue, for it to recirculate the comments that it has previously presented in respect of [P.54/2016](#), which it reiterated in connection with [P.84/2017](#).

Accordingly, the previous comments are set out below, together with links to previous reports and debates on the subject, and the views of the Independent Jersey Care Inquiry in connection therewith.

Comments of PPC in respect of P.54/2016:

“PPC feels that it is important for the debate on the role of the Bailiff as the Speaker of the States to take place, as it is an issue that has been the subject of much discussion since the publication of the Report of the Review Panel on the Machinery of Government in Jersey in 2000, in which the Panel said: “we recommend that the Bailiff should cease to act as the president of the States or to take any political part in the Island’s government and that the States should elect their own Speaker.”

PPC does not make a recommendation one way or another as to how States Members should vote on this issue, because the Committee members themselves are not unanimous in their views.

If the States support the proposition of Deputy M. Tadier of St. Brelade, it will be necessary for the Committee to report back to the Assembly with detailed proposals on an elected Speaker and Deputy Speakers, including the full financial implications.”

Findings of the Independent Jersey Care Inquiry (“IJCI”)

Recommendation 7 of the IJCI, which released its report ([R.59/2017](#)) on 3rd July 2017, related to the ‘Jersey Way’. In the Executive Summary of the report, at paragraphs 13.18 and 13.19, the IJCI stated –

“13.18 Throughout the course of our work we heard the term the “Jersey Way”. While this was, on occasions, used with pride, to describe a strong culture of community and voluntary involvement, it was more often used to describe a perceived system whereby serious issues are swept under the carpet and people avoid being held to account for abuses that have been perpetrated. This was well summarised in the contribution of a Phase 3 witness who told us: “*We (also) have the impossible situation of the non-separation of powers between the judiciary and political and there is a lot of secrecy, non-transparency and a lack of openness. This brings with it the lack of trust, the fear factor that many have spoken about and contributes greatly to the Jersey Way.*”

13.19 That fear factor and lack of trust must be addressed, therefore we recommend that open consideration involving the whole community be given to how this negative perception of the “Jersey Way” can be countered on a lasting basis. While constitutional matters are outwith our Terms of Reference, we are of the

opinion that this matter cannot be addressed without further consideration of the recommendations made in the Clothier and Carswell Reports.”

Within the main body of its report, the IJCI further commented –

Recommendation 7: The “Jersey Way”

- “13.41 Throughout the course of the Inquiry, we heard reference to the “Jersey Way” notwithstanding that there did not seem to be any set definition of the term. On some occasions it was used in a positive way, to describe a strong culture of community and voluntary involvement across the island, and this is something we recognise as a strength of the island, from the many contacts we had with voluntary organisations and individuals who give generously of their time to serve the interests of others. On most occasions, however, the “Jersey Way” was used in a pejorative way, to describe a perceived system whereby serious issues are swept under the carpet and people escape being held to account for abuses perpetrated. A Phase 3 witness told us: “we [also] have the impossible situation of the non-separation of powers between the judiciary and political and there is a lot of secrecy, non-transparency and a lack of openness. This brings with it the lack of trust, the fear factor that many have spoken about and contributes greatly to the Jersey Way”. It is this strongly held perception by many of those who experienced abuse that will continue to undermine any attempts to move the island forward from the matters into which we have inquired. We therefore recommend that open consideration involving the whole community is given to how this negative perception of the “Jersey Way” can be countered on a lasting basis.
- 13.42 Jersey has a long and proudly held tradition of governance, but that is not to say that steps should not be taken to reflect the modern world in which the island exists. As with many long-established jurisdictions, there can be a resistance to change, which is something that seems to be acknowledged. We are of the opinion that this serious matter cannot be addressed without further consideration being given, in the light of our findings, to recommendations contained in the Clothier and Carswell Reports.
- 13.43 While these involve constitutional matters, we are firmly of the view that the progress that must be made in relation to future care and safety of children in Jersey will be undermined if they are not dealt with such that all perceptions of there being a negative “Jersey Way” are eradicated once and for all. Achieving this would, in our opinion, provide a very strong visible marker that there was a deep determination in the island to use the conclusion of the Independent Jersey Care Inquiry as a platform to ensure that the island’s children and young people will be looked after in a caring and compassionate system that is underpinned by a system of governance in which there is the utmost confidence among all of the island’s citizens.”

Links to previous reports and debates on the subject:

To assist Members in their consideration of this Proposition, references to previous reports and debates on the subject are set out below –

1. Report of the Review Panel on the Machinery of Government in Jersey (*'The Clothier Review'*, published December 2000):
<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20ClothierReport%20100331%20CC.pdf>
2. 'The Review of the Roles of the Crown Officers' (*'The Carswell Report'*), **R.143/2010**, presented on 6th December 2010 by the Chief Minister:
<http://www.statesassembly.gov.je/AssemblyReports/2010/38785-20056-6122010.pdf>
3. 'Review of the Role of the Crown Officers ("Carswell Review")': 'in Committee' debate', **R.28/2011**, presented on 14th March 2011 by PPC:
<http://www.statesassembly.gov.je/AssemblyReports/2011/14688-17346-1432011.pdf>
4. 'Elected Speaker of the States', **P.160/2013**, lodged on 10th December 2013 by the Connétable of St. Helier:
<http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013.pdf>
5. 'Elected Speaker of the States (P.160/2013): comments', **P.160/2013 Com.**, presented on 16th December 2013 by PPC:
<http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013Com.pdf>
6. 'Elected Speaker of the States (P.160/2013): amendment', **P.160/2013 Amd.**, lodged on 15th April 2014 by Senator Sir P.M. Bailhache:
<http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013Amd.pdf>
7. 'Elected Speaker of the States (P.160/2013): additional comments', **P.160/2013 Com.(2)**, presented on 17th April 2014 by PPC:
[http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.160-2013Com\(2\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.160-2013Com(2).pdf)
8. 'Elected Speaker of the States (P.160/2013): comments', **P.160/2013 Com.(3)**, presented on 22nd April 2014 by H.M. Attorney General:
[http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013Com\(3\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013Com(3).pdf)
9. 'Elected Speaker of the States (P.160/2013): amendment (P.160/2013 Amd.) – amendment', **P.160/2013 Amd.Amd.**, lodged on 23rd April 2014 by Deputy R.G. Le Hérisser of St. Saviour:
<http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013AmdAmd.pdf>

10. 'Elected Speaker of the States (P.160/2013): comments', **P.160/2013 Com.(4)**, presented on 25th April 2014 by the Chief Minister:
[http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013Com\(4\)corrected.pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013Com(4)corrected.pdf)
11. 'Elected Speaker of the States (P.160/2013): amendment (P.160/2013 Amd.) – comments', **P.160/2013 Amd.Com.**, presented on 25th April 2014 by PPC:
<http://www.statesassembly.gov.je/AssemblyPropositions/2013/P.160-2013AmdCom.pdf>
12. The debate on P.160/2013 and its associated amendments took place on 29th and 30th April 2014:
<http://www.statesassembly.gov.je/AssemblyHansard/2014/2014.04.29%20States%20-%20Edited%20Transcript.pdf> and
<http://www.statesassembly.gov.je/AssemblyHansard/2014/2014.04.30%20States%20-%20Edited%20Transcript.pdf>
13. 'Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States, **P.54/2016**, lodged on 24th May 2016 by Deputy M. Tadier of St. Brelade: <http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.54-2016withCorrigendum.pdf>
14. 'Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.54/2016) – comments', **P.54/2016 Com**, presented on 22nd June 2016 by PPC:
<http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.54-2016Com.pdf>
15. 'Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States(P.54/2016) – comments', **P.54/2016 Com.(2)**, presented on 27th June 2016 by H.M. Attorney General:
[http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.54-2016Com\(2\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.54-2016Com(2).pdf)
16. 'Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.54/2016) – amendment', **P.54/2016 Amd.**, lodged on 8th November 2016 by Deputy M. Tadier of St. Brelade:
<http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.54-2016Amd.pdf>
17. The debate on P.54/2016 and its associated amendments took place on 15th November 2016:
<http://www.statesassembly.gov.je/AssemblyHansard/2016/2016.11.15%20States%20-%20Edited%20Transcript.pdf>
18. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment', **P.84/2017**, lodged on 26th September 2017 by the Chief Minister:
<http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017.pdf>
19. Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment – comments', **P.84/2017 Com.**, presented on 13th November 2017 by the Privileges and Procedures Committee
<http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017com.pdf>

20. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – amendment', **P.84/2017 Amd.**, lodged on 11th October 2017 by the Privileges and Procedures Committee:
<http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd.pdf>
21. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – amendment (P.84/2017 Amd.) – amendment' **P.84/2017 Amd.Amd.**, lodged on 8th November 2017 by Senator P.F.C. Ozouf:
<http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amdamd.pdf>
22. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – second amendment' **P.84/2017 Amd.(2)**, lodged on 20th October 2017 by Senator P.F.C. Ozouf:
[http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd\(2\).pdf](http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd(2).pdf)
23. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – second amendment (P.84/2017 Amd.(2)) – comments' **P.84/2017 Amd.(2)Com.**, presented on 7th November 2017 by the Chairmen's Committee: [http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd\(2\)com.pdf](http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd(2)com.pdf)
24. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – third amendment' **P.84/2017 Amd.(3)**, lodged on 25th October 2017 by Senator Sir P.M. Bailhache:
[http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd\(3\).pdf](http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd(3).pdf)
25. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – third amendment (P.84/2017 Amd.(3)) – amendment' **P.84/2017 Amd.(3)Amd.** lodged on 9th November 2017 by Senator P.F.C. Ozouf:
[http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd\(3\)amd.pdf](http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd(3)amd.pdf)
26. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – third amendment (P.84/2017 Amd.(3)) – amendment (P.84/2017 Amd.(3)Amd.) – comments' **P.84/2017 Amd.(3)Amd.Com.** presented on 13th November 2017 by the Privileges and Procedures Committee:
[http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd\(3\)amdcom.pdf](http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd(3)amdcom.pdf)
27. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – fourth amendment' **P.84/2017 Amd.(4)** lodged on 9th November 2017 by Senator P.F.C. Ozouf:
[http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017%20amd.\(4\)%20\[senator%20ozouf\].pdf](http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017%20amd.(4)%20[senator%20ozouf].pdf)

28. 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment (P.84/2017) – fourth amendment (P.84/2017 Amd.(4)) – comments' **P.84/2017 Amd.(4)Com.**, presented on 13th November 2017 by the Privileges and Procedures Committee:
[http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd\(4\)com.pdf](http://www.statesassembly.gov.je/assemblypropositions/2017/p.84-2017amd(4)com.pdf)
29. The debate on P.84/2017 and its associated amendments took place on 16th November 2017:
<http://www.statesassembly.gov.je/AssemblyHansard/2017/2017.11.16%20States%20-%20Edited%20Transcript.pdf>
30. 'Referendum Commission Report: Referendum on the Bailiff as President of the States' **R.46/2018** was presented to the States on 10th April 2018 by the Privileges and Procedures Committee:
<http://www.statesassembly.gov.je/assemblyreports/2018/r.46-2018.pdf>
31. On the same day (10th April 2018), the Privileges and Procedures Committee lodged the 'Draft Referendum (Presidency of States Assembly) (Jersey) Act 201-' **P.76/2018**: <http://www.statesassembly.gov.je/assemblypropositions/2018/p.76-2018.pdf>
32. 'Draft Referendum (Presidency of States Assembly) (Jersey) Act 201-(P.76/2018): amendment' **P.76/2018 Amd.** was lodged on 3rd July 2018 by the Comité des Connétables:
<http://www.statesassembly.gov.je/assemblypropositions/2018/p.76-2018%20amd.pdf>
33. 'Draft Referendum (Presidency of States Assembly) (Jersey) Act 201-(P.76/2018): second amendment' **P.76/2018 Amd.(2)** was lodged on 3rd July 2018 by the Comité des Connétables:
[http://www.statesassembly.gov.je/assemblypropositions/2018/p.76-2018amd\(2\).pdf](http://www.statesassembly.gov.je/assemblypropositions/2018/p.76-2018amd(2).pdf)
34. The debate on P.76/2018 and its associated amendments took place on 10th July 2018:
<http://www.statesassembly.gov.je/AssemblyHansard/2018/2018.07.10%20States%20-%20Edited%20Transcript.pdf>