

PRIVILEGES AND PROCEDURES COMMITTEE

(52nd Meeting)

11th July 2007**PART A**

All members were present. Senator M.E. Vibert was not present for Item No. A2. Deputy S.C. Ferguson was not present for Item Nos. A5 and B1.

Connétable D.F. Gray of St. Clement - Chairman
 Senator M.E. Vibert
 Connétable K.A. Le Brun of St. Mary
 Deputy G.C.L. Baudains
 Deputy S.C. Ferguson
 Deputy J. Gallichan
 Deputy I.J. Gorst

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 Mrs. D. Abbot-McGuire, Finance and Administration Manager (for a time)
 Miss P. Horton, 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 13th June 2007 (Part A and Part B), 27th June 2007 (Part A and Part B) and 2nd July 2007 (Part A only), having been previously circulated, were taken as read and were confirmed.

Installation of
 showers in States
 Building for use
 of States
 Members.
 1060/5(241)
Encl.

A2. The Committee, with reference to its Minute No. A3 of 4th May 2007, received and considered a report, prepared by the Finance and Administration Manager in connexion with the installation of showers in the States Building for the use of States Members.

The Committee recalled that having considered three different options it had decided that the kitchen near the interview rooms could be converted into a shower room with a changing area. The Committee, having noted plans for the proposed shower room, was advised that the estimated cost for converting the kitchen into a shower facility was £7,000.

The Committee agreed that, provided the cost did not exceed £7,000, the conversion of the kitchen into a shower room could proceed.

The Finance and Administration Manager was directed to take the necessary action.

Composition and
 Election of the
 States Assembly.
 465/1(75)

A3. The Committee, with reference to its Minute No. A2 of 27th June 2007, resumed consideration of the Composition and Election of the States Assembly.

The Committee considered an amendment to its proposition entitled 'Composition of the States: revised structure and referendum (P.75/2007) - third amendments' lodged

'au Greffe' on 3rd July 2007 by Deputy G.P. Southern of St. Helier. The Committee recalled paragraph (a) of its proposition which asked the States whether they were of the opinion -

- (a) to agree that the current composition of the States should be amended and that, from 2011, the elected membership of the States should be -
 - (i) 12 Parish Connétables;
 - (ii) 36 other members, to be known as Deputies, elected in 6 new large electoral districts;

Deputy Southern's amendment proposed that sub-paragraphs (i) and (ii) of the Committee's proposition should be substituted with '48 members, to be known as Deputies, all elected in 6 new large electoral districts with any Parish Connétable who wished to do so able to stand for election as Deputy in one of the 48 seats'.

The Committee agreed that this amendment was not in conjunction with the established opinion of the public and States members which was that the Connétables should remain in the States. The amendment also prevented holding a single election day as it provided the option for the Connétable of a Parish to stand in the election for one of the 48 Deputies seats if they so wished. Furthermore, it allowed a Connétable to stand for election as a Deputy in any of the 6 large electoral districts which could result in a Parish not having a representative in the States. The Committee felt that this was not acceptable and agreed that the link between the Parishes and the States should remain through the Connétables.

Deputy Southern also proposed that the Committee, in conjunction with the Comité des Connétables, should conduct a thorough review of the electoral register and the voter registration process and report to the States with recommendations to ensure the accuracy of the register by 2010 at the latest. The Committee agreed that it would accept this proposal as it had already been decided that it would conduct a review of the Public Elections (Jersey) Law 2002.

It was noted that Deputy Southern proposed that sub-paragraph (e) of the Committee's proposition should be amended so that all members should be consulted rather than just Ministers. The Committee advised that the reason it had been decided to only meet with Ministers was that changing the elections to spring or early summer could have an impact on such matters as the lodging of the Annual Business Plan and the Budget. Nevertheless the Committee agreed that it would accept this amendment and extend the consultation to all members.

The Committee was concerned that the debate on this amendment could concentrate on issues such as the 6 large electoral districts and having 48 States members and result in the main debate taking place on this amendment rather than the Committee's proposition. The Committee agreed that States members should be reminded of the importance of the debate on the Composition of the States and that they should be urged not to spend too much time debating this amendment particularly if members did not want the Connétables to be removed from the States.

The Committee considered a further amendment entitled 'Composition of the States: revised structure and referendum (P.75/2007) - second amendments' lodged 'au Greffe' on 3rd July 2007 by Deputy J.A.N. Le Fondré of St. Lawrence. Whilst the Committee proposed that the reform proposals would be submitted to the electorate in a referendum and that they would not be pursued unless supported by a majority of those voting in the referendum, Deputy Le Fondré's amendment suggested that it

should be supported by a majority of those eligible to vote in the referendum. The Committee considered the following figures and noted that the required outcome for success if the amendment was adopted would be very demanding -

100% of registered electors were 'entitled to vote'

If less than 50% turnout – proposals would be automatically rejected

If 50% turnout – every single person must vote in favour

If 60% turnout – 83.3% must vote in favour

If 70% turnout – 71.4% must vote in favour

If 80% turnout – 62.5% must vote in favour

Although the Committee hoped that the referendum would have a high turnout it was considered that the level of support that would be needed if this amendment was adopted made a successful outcome almost impossible. Although it was recognised that a referendum was only advisory the Committee was of the opinion that the electors who had voted in the referendum would expect States members to listen to the result if one of the options was clearly supported by a majority.

The Committee requested that comments be prepared in the abovementioned terms. The Greffier of the States was directed to take the necessary action.

The Committee opined that it had been requested to bring forward proposals for reform and having undertaken extensive public consultation including the conducting of two MORI polls, three public meetings, a consultation document sent to each household and an 'in Committee' debate for States members it had been concluded that these were the only workable options were the one proposed in P.75/2007 and also Deputy Baudain's amendment. The Committee agreed that if its options for reform were rejected and no other workable alternative was put forward then the *status quo* should be retained.

Public Elections
(Jersey) Law
2002 -
Amendment.
424(6)
Encl.

A4. The Committee received and considered the draft Public Elections (Amendment No. 2) (Jersey) Law 200-.

The Committee was advised that the draft amendment would give effect to the decision of the States to reduce the age at which a person was entitled to have his or her name included on an electoral register from 18 to 16 years. The Committee noted that there would also be a need to bring forward an amendment to the Public Elections (Jersey) Regulations 2002 which specified the content of the form that was sent to residents to apply for entry onto the electoral register as currently the form referred to the need to be 18.

The Committee agreed that rather than the Law coming into force 7 days after it was registered it would be preferable for the draft to contain an Appointed Day Act provision which would enable the lowered voting age to be introduced in a more controlled way. The Committee directed that the Comité des Connétables' Secretary should be consulted to ensure that the date the draft came into force would be suitable for the Parishes as it was noted that the electoral register forms were required to be sent out before 1st May.

The Committee, subject to the provision of an Appointed Day Act, accordingly approved the draft Public Elections (Amendment No. 2) (Jersey) Law 200- and requested that it be lodged 'au Greffe' at the earliest opportunity.

The Greffier of the States was directed to take the necessary action.

Public Elections
(Jersey) Law
2002 -
correspondence
from the Comité
des Connétables.
424/2(43)
Encl.

A5. The Committee considered correspondence dated 27th June 2007, received from the Comité des Connétables regarding the Public Elections (Jersey) Law 2002.

The Committee noted that, following questions asked by Deputy R.G. Le Hérisier in the States on 15th May 2007 regarding the electoral registers, the Connétables had considered two options for preparing and maintaining the electoral register. The two options were either to retain the current system of a 'rolling register' during each 3 year period but starting the register anew every third year, or to move to a full 'rolling register' where a person's name would remain on the register for a specific period of time from when information was last received. The Committee was apprised of the advantages and disadvantages of the two options and noted that the Comité felt that a full 'rolling register' would be an improvement on the current system as it would avoid a potentially low number being on the register in the first year. It would also avoid the need to send out up to 2 reminders each year which was a significant administrative burden on the larger parishes due to the low number of forms returned by the due date.

The Committee was advised that, in order to maintain the accuracy of the electoral register, the Superintendent Registrar notified the Parishes of any deaths that occurred throughout the year. Also each Parish was required by Law to issue several reminders to every household that did not return their registration form. The Committee opined that the reintroduction of a criminal offence in the Law for a person who failed to register or notify the Parish of a change of address could be recommended to tackle this problem. However, it was recognised that as the register was available to be viewed by the public, some people could have a genuine reason for not wanting their name and address listed on the electoral register and it was agreed that special arrangements should be made to allow for this provided it was carefully administered.

The Committee agreed that a working group under the Chairmanship of the Vice-Chairman Deputy J. Gallichan should be set up to consider in more detail the proposed recommendations for changes to the Public Elections (Jersey) Law 2002. The working group could consult with interested parties including the Jurats and the Comité des Connétables to bring forward the appropriate amendments. The Committee requested that the Comité des Connétables be invited to nominate a member to sit on the working group and agreed that the Secretary, Mrs. S. de Gruchy and Mr. B. Olliver should also be part of the working group. The Committee agreed that the Comité des Connétables should be advised of its decision to set up a working group.

The Committee Clerk was directed to take the necessary action.