

3.14 Deputy T.M. Pitman of the Chairman of the Privileges and Procedures Committee regarding the decision to have the Electoral Commission chaired by a States member:

Will the chairman advise whether the recent decision by the Privileges and Procedures Committee at its meeting of 4th January 2012 to seek the agreement of the States to reverse its majority decision to have a fully independent Electoral Commission and allow it instead to be chaired by a States Member was made unanimously and, if not, would he advise which committee members voted in favour of the proposition?

The Connétable of St. Helier (Chairman, Privileges and Procedures Committee):

The decision to draft the proposition to appoint States Members as well as independent members to the Electoral Commission was made by the majority of committee members. Deputy Martin, Deputy Tadier and I expressed the opinion that the Commission should be comprised entirely of independent members. In lodging the proposition, Electoral Commission: composition and terms of reference, P.5/2012, the committee has given the newly constituted States Assembly a chance to decide whether or not States Members should be able to serve on the Commission. If any States Member believes that the committee's proposition should be amended to appoint independent members only, for example, then the opportunity is open to them to bring an amendment.

3.14.1 Deputy T.M. Pitman:

I sat in on that meeting on 4th January. The Deputy of St. Peter and Deputy Tadier were not there. My recollection is there were 2 votes against, the Constable of St. Helier and Deputy Martin, Senator Ferguson and the Constable of St. Clement and the deciding vote was left to Senator Bailhache, who this is all being done for so that he can take over the chairing of the independent commission. Is that not correct and does the chairman think that is appropriate because when I was on P.P.C., if something affected a Member who was there, they did not vote, they abstained.

The Connétable of St. Helier:

I think the Deputy's memory of events has possibly been confused because, in fact, there have been 2 meetings where this has been discussed by the committee. The 14th December was the first occasion when the committee discussed the matter and at that meeting, all members were present so perhaps he has only attended, I think, the second meeting. I am not sure which ones he attended. Perhaps he attended both. But in any case, I do not agree with his interpretation of what took place. The matter was discussed and put to the vote and that is what happened. It was a perfectly democratic process.

3.14.2 Senator L.J. Farnham:

Just to clarify on the previous question, could the chairman of the Privileges and Procedures Committee confirm that it is the chairman that has the casting vote in any equal number of votes being cast?

The Connétable of St. Helier:

That may or may not be the case but we were not in a position of equality of votes. There was a clear majority both times when we voted on this matter.

3.14.3 Deputy M.R. Higgins:

Just for the avoidance of doubt, I was slightly confused by the 2 meetings and so on, could the chairman just tell us again who were the members of P.P.C. who voted in favour of this proposition that has come to the States?

The Connétable of St. Helier:

Yes, I can, and indeed these are open meetings so they are attended by the media and by the public. Senator Bailhache has supported the proposition as indeed did the Deputy of St. Peter, the Constable of St. Clement and Senator Ferguson.

3.14.4 Deputy T.M. Pitman:

I do not forget meetings that I sat in unless Deputy Tadier and the Deputy of St. Peter were invisible but were there. There were 5 members and I stand by what I said. The final vote was left to Senator Bailhache and I think that is totally inappropriate and the public should know because the *J.E.P. (Jersey Evening Post)* have reported that completely inaccurately and refused to correct it.

[11:15]

The Connétable of St. Helier:

If I could just respond to that. If indeed there were 5 members at the session attended by the Deputy and the vote was 3/2, then I do not see how he can infer from that that Senator Bailhache's was the final decision-making vote because there were clearly 3 voting one way and 2 voting the other.