

5.6 Connétable A.S. Crowcroft of St. Helier of the Chairman of the Privileges and Procedures Committee regarding a review of the Carswell Report recommendations:

Would the Chairman advise whether the Privileges and Procedures Committee is intending to continue its investigation into whether certain recommendations of the Carswell *Report* should be implemented, and if not, why not?

Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):

In a short word, yes, although to be helpful, I will explain. My committee met for the first time on 22 July and we concluded that other matters on our agenda should be given priority in the short to medium term. Members will recall that P.P.C. (Privileges and Procedures Committee) has been charged with seeking alternatives for reform for the Assembly. In addition to this, P.P.C. had 3 sub-committees working on standing orders and internal procedures, public elections legislation and the machinery of government reform. These 3 subsequent constitutional reform propositions and the other reform propositions - all matters on P.P.C.'s agendas - have necessitated a degree of prioritisation. The committee's initial decision was to revisit the Carswell *Report* towards the end of its term and to consider making recommendations to P.P.C.'s successor committee in the latter part of 2014. If the committee's work programme allows this could potentially be moved forward but that is where we find ourselves at the moment. Thank you.

5.6.1 The Connétable of St. Helier:

That sounds not like a "yes" but a "no" to me. Given that 2 out of the 3 members of P.P.C. that were on the previous working group are on the new committee and given the excellent amount of work done by the Greffe in supporting the working group, what prevents P.P.C. now from casting its net wider to see whether there are Members of the States who want to help P.P.C. bring this piece of work to conclusion by the end of their term?

Deputy J.M. Maçon:

I met in discussion with my committee. We did decide how we wish to proceed. We have not thrown all the good work that has already occurred by that committee into the bin. It is still there. The thing is we obviously were quite conscious of the time pressures and scales that P.P.C. had to work under in order to deliver these other things. However, if the suggestion is that we should set up yet another sub-committee in order to tackle this work, it's something I can go back to my committee and ask them to consider, although I do not necessarily think that is the way we would proceed. But I can take it back to committee if that is how the Members would like us to proceed.

The Connétable of St. Helier:

I am grateful to the Chairman.

5.6.2 Deputy T.M. Pitman:

The question has to be asked, why did the previous P.P.C. Chairman not finish the job? But we will not go there. Could I ask the Chairman more directly? Previous P.P.C.s have consistently budgeted, wrung their hands, shuffled their feet and done nothing. We have seen Clothier come and go. We have seen Carswell come and go. Will this Chairman say that he and his new committee will be brave enough to finally bring proposals to the States to put an end to the neofutilism of having a non-elected judge tell elected representatives what they can or cannot say or ask?

Deputy J.M. Maçon:

Thank you. While I am sure each Member will have their own individual opinions about the dual role of the Bailiff, all I can say is if the States Assembly wish to pursue this there is a lot of ground work to look at the detail about how the role should be apportioned, what the

mechanisms should be there and that is a huge amount of work which is still required in order to be delivered. Therefore I am unable to inform the Deputy that this P.P.C. would be able to bring forward a proposition to change the way that we are currently constituted in regards to that matter. However, the intent of the committee was to try and get as much of the background work done and sorted so that any other P.P.C.s would be able to carry on with that work should that be deemed the way forward.

5.6.3 Deputy T.M. Pitman:

A leading advocate has pointed out their own situation is far worse than Sark yet they have obviously made some headway. Can I at least ask, does the Chairman appreciate the urgency that something is finally done with these reports coming and going and Assemblies coming and going, that something is brought forward?

Deputy J.M. Maçon:

I can only repeat what I have said. In order to provide an alternative to the current situation a huge body of research needs to be done, that any proposals need to be reviewed with other States Members and I cannot give the Assembly an assurance that we will be able to bring anything before this Assembly, before the next elections, because of the level of work that does need to be done in this regard, and to make the point that even if we were to bring it forward there is no guarantee that this Assembly would even accept it.

5.6.4 Deputy R.G. Le Hérissier:

Would the Chairman not accept that other jurisdictions have dealt with this issue in short order and that we are making heavy weather? He does have a full report in his hands and as he so perceptibly said on Sunday, the issue sadly is not the correctness of the proposal; it is often the politics of the proposal. Is it not his desire to put this before the Assembly so that at least he can say: "If you seek his monument, it is here"? We are making far too heavy weather of this. Would he not agree?

Deputy J.M. Maçon:

Where to start? I think that regardless of the merits of the case, I am dedicated to thinking that proper mechanisms and proper structures should be put in place.

[10:45]

That requires a great deal of work. I do not think it is quite as easy to suggest that it would be done in such quicker order as perhaps the Deputy is suggesting. Nevertheless my committee is intending to do more research and have a better background in order to provide something for Members. That work needs to be able to be carried out and to be done.

5.6.5 The Connétable of St. Helier:

I would just like to reiterate my offer to the Chairman that there are Members of the States willing to serve on a working group as indeed, P.P.C.'s current working groups involve Members of the States which are not on P.P.C. There are clearly Members, judging by question time, who would like to be involved in this important work and I look forward to hearing what his committee makes of his new offer.