

2018.10.09

7 Connétable R.A. Buchanan of St. Ouen of the Chairman of the Privileges and Procedures Committee regarding the working party established to examine the Bailiff's role: [OQ.135/2018]

Does the Privileges and Procedures Committee intend to contribute to the working party established on the Bailiff's role, in order to ensure that views from across the Chamber contribute to its work?

Deputy R. Labey (Chairman, Privileges and Procedures Committee):

I can announce that the working party will comprise the Chief Minister and myself, Deputy Judy Martin, Deputy Graham Truscott and Deputy Lindsay Ash, so Members will be immediately cognisant that a wide range of views exist on the working party. We are about to have our first meeting on the adjournment of this sitting, and I do not want to pre-empt anything before we discuss terms of reference, but, yes, P.P.C. (Privileges and Procedures Committee) has a very important contribution to make to this as any conclusions that the working party might arrive at or come to will have to go to P.P.C. who will bring any resulting proposition to the Assembly.

3.7.1 The Connétable of St. Ouen:

Thank you for your answer. Will the chairman confirm that he will press for due consideration to be given to holding an all-Island referendum on this important constitutional issue?

Deputy R. Labey:

Well, I do not want to pre-empt the working party but we are trying to come together and trying to leave our entrenched positions at the door at the Blampied Room rather than taking them in with us when we meet. I think this initiative, which was the idea of the Chief Minister, was to try to not get entrenched, to not build fences but rather build bridges. Personally, I take issue what the questioner states in his question, and it is debatable, but for the moment I am not going to make comment on that.

3.7.2 Senator S.Y. Mézec:

We are here again discussing an issue that has been discussed 100 times before. Can the chairman indicate whether he thinks there is any chance at all of this working party coming up with anything that is an improvement on P.84 which was lodged last year on the separation of powers? Never before, and not since, has there been a better proposal for moving towards a separation of powers. Does the chairman believe that this is a good use of time?

Deputy R. Labey:

The Senator says that but a lot of people had questions with P.84. On either side of the fence a lot of people had very real issue with P.84 and I think that possibly this initiative is to try and iron out any more details, any more difficulties that people might have before the debate once again comes to the floor of this Assembly.

3.7.3 Senator S.Y. Mézec:

Of course, there were questions, this is a political chamber; making up questions is our job. There is never going to be a situation where everybody is 100 per cent satisfied, and if he is looking for a consensus he will be looking for a very long time because one does not exist. Does the chairman of P.P.C. believe that it would be a much better use of all of our time if he relodged P.84 and allowed this Assembly to make that decision? It has not had the chance to make that decision yet and that is more appropriate way forward.

Deputy R. Labey:

No, I believe in giving the Chief Minister a chance. When he came to me with this initiative ... it is not going to slow down the process any, P.P.C. has a huge agenda and workload at the moment, it will allow this matter to be considered in tandem with all the work that P.P.C. is already doing and has started and aims to bring to the Assembly in the New Year. P.84 could be slammed in by any Member at any time; I would just ask, give the Chief Minister a chance with this initiative. We already have 5 meetings scheduled to take us up to November. We are going to work quickly on this because there is a finite time, Sir, on the announcement of your retirement. You have kindly and graciously given us 12 months, and we should make any changes, if changes are going to be made, in the interregnum between Bailiffs, not during a Bailiff's term, is my belief.

3.7.4 Deputy M. Tadier:

Once the working party has concluded its deliberations on the role of the Bailiff in this Assembly, perhaps the P.P.C. chairman could set up a working party on whether we bring back hanging, because there is probably just as much chance of getting consensus on that very emotive issue as there is of rehashing the arguments when it comes to who should be the speaker of this Assembly. Does the chairman agree that it is an exercise in complete futility but also one of procrastination to go over these arguments and rather what he should be doing is showing some form of leadership as the chairperson of P.P.C., to either bring back a debate straight away, which as my colleague Senator Mézec said, is already there and waiting or just let the matter die and leave it to a Back-Bencher who could just as easily lodge that proposition? It will happen one way or the other.

Deputy R. Labey:

Yes, and I used to call the Deputy's proposition on this issue the pregnancy proposition because it used to come around every 9 months. **[Laughter]** Where did it get us? It did not get us anywhere, so I reject most of what the Deputy is saying, although I understand his frustrations, for the reasons that I have expressed in the previous answer.

Deputy M. Tadier:

Supplementary?

The Bailiff:

No, I am sorry, we are short of time.

3.7.5 Deputy M.R. Higgins:

The chairman has answered part of the question but I would like to ask him to elaborate on it. I am very much concerned about the delay. One of the problems we have with determining this issue, it gets personal. Now it is not personal in terms of the existing Bailiff or the future Bailiff, it is whether the Bailiff should be chairing this Assembly. It is vitally important that this matter is dealt with in the period between now and, I think it is, October when the current Bailiff leaves. In fact well before that, because the appointment will be made well before that. Will the chairman agree to a cut-off date on these discussions by the end of this year so we can come to a decision, say in January, well before any decision is made to replace the existing Bailiff?

Deputy R. Labey:

I will not make promises I cannot keep, but I have already elucidated on my opinion on the time frame being critical and that we should work backwards from that time frame, continue our deliberations, get P.P.C. involved with the eventual proposition that will result from it, have the debate in this Assembly early enough. I give that categorical assurance.

3.7.6 Senator I.J. Gorst:

I welcome the chairman's announcement but bearing in mind he has just told me that he is creating a committee where 2 people are in favour of change and 3 are in favour of the *status quo*, who he has in support from officers will be critical and consultation with every Member will be critical. Can you confirm who the support officers will be and can he confirm a process which will allow sufficient consultation with every Member?

Deputy R. Labey:

It really is unwise of the Minister for External Affairs to jump to these conclusions. I do not think his maths is correct but I could be wrong. That is not my understanding. I think I have said all I have to say on this.