

2019.12.10

10 Senator S.Y. Mézec of the Chairman of the Privileges and Procedures Committee regarding the recommendations of the Commonwealth Parliamentary Association's Election Observers' Mission: (OQ.306/2019)

Will the Chair give an update on the work being undertaken by his Committee to implement the recommendations of the election observers' report; and advise when the Assembly can expect to debate legislation to implement these changes?

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

Yes, of course. Recommendations 1 and 3 are both covered by the old P.46, on electoral reform and the composition of the States, which form the basis for widespread surveying and research and consultation over this year and will be lodged imminently, before Christmas I hope, for debate in the new year. On recommendation 2, together with Deputy Maçon's adopted Proposition P.88, the Sub-Committee agrees we should properly prorogue from nomination night to election day, with the Chief Minister solely retaining the authority to sign Ministerial Decisions and only on an emergency basis. Amendments to Standing Orders have been drafted to also extend the purdah period to before nomination night and the lodging arrangements of Propositions during this period. Recommendation 9: that the legal status of a political party should be clearly defined in law. This will require small legislative Amendments. These are in train, to come forward for debate in the new year. Recommendation 10: that the procedure for candidate nominations should be reviewed. It has been. We have some more satisfactory, exciting even, proposals; law drafting instructions are being prepared. Recommendation 4: the creation of a permanent election administration body; Recommendation 8: on eliminating the conflict of interests, associated with the function of the Connétables as election administrators. This is live and under review. We were going to park this for a while, but after Deputy Alves and I attended an election observers' mission training session, in Westminster, we realised the importance of it and we are bringing that further forward and prioritising it. Recommendations 5: on automatic voter registration and 6: on outreach, both vital, as encouraging noises from digital. We now need to work out the legislative changes to enact that. Recommendation 7: the disqualification criteria for candidacy. Still to be determined and discussed. I have run out of time on this answer, I am sure, but I will do the rest of the recommendations, if prompted to do so by the Senator.

3.10.1 Senator S.Y. Mézec:

Can I prompt the Chair to talk about the rest of the recommendations, please?

Deputy R. Labey:

Recommendation 11: introduction of a code of conduct for the campaign. The Sub-Committee believe that we can do this and also that we must have a system, where complaints can be properly investigated. Recommendation 12: the official start of the campaign, an equal opportunity to politically-eligible States employees. The Sub-Committee considers that this can be made explicit in changes to Standing Orders and the Public Elections Law; drafting instructions are being prepared. Recommendation 13: a systematic scrutiny of all financial declarations. This, we are going out to consultation with States Members, former candidates, interested parties, the public, very early in the new year. Recommendation 14: consideration should be given to introduce media regulations to ensure equal access. I am writing to the editors of all our media to get them together to consult on this. Recommendation 15: candidates and parties are granted the right to observe pre-poll voting. Yes, the Sub-Committee discussed this with Senator Mézec and we have law drafting

instructions being prepared at the moment. Recommendation 16: on the behaviour and protocol at polling stations; again, law drafting instructions are being prepared. Recommendation 17: training provided to returning officers; law drafting instructions will be prepared, following some discussions we are yet to have. Recommendation 18: continuous efforts should be undertaken by all the stakeholders to ensure active participation of all segments of the population. This is ongoing and we have exciting plans for that.

3.10.2 Deputy R.J. Ward:

May I ask the Chairman of P.P.C. (Privileges and Procedures Committee) to look into some of the wording? For example, the use of the phrase “expenses” gives the impression that we claim that money back from the States. We would not want any misconceptions, I do not know, for example, Deputy Huelin using it to fund his duck house, for example, because that is simply not the case. [Laughter] But perhaps a better word may be election “spending”.

Deputy R. Labey:

Deputy Huelin has been much maligned there, but the Deputy is absolutely right. In fact, the qualitative research that we did over the summer, the focus groups, people’s worries and fears chimed with such a lot of what is in the E.O.M. (Election Observers’ Mission) recommendations. This came up time and time again, people are under the impression that we get our election expenses back from Government and so we have got to make that clear. We have got to also, especially if we are going to have a referendum, tell the public of this Island what exactly we do when we are not sitting in here. Because, the bulk of the work is not done in here and we have got to find ways - and I think I am on to something - of explaining to people what we do and they are hungry for that knowledge, I am sure.

3.10.3 Deputy R.J. Ward:

Would the Chair of P.P.C. consider the word “costs”, I think is the word I was looking for, or “spending” as a better and more appropriate term?

Deputy R. Labey:

Yes.

3.10.4 Deputy M. Tadier:

Are there any plans to establish a Boundary Commission?

Deputy R. Labey:

A good point from the Deputy. Yes, there are. That recommendation is part of the Proposition that will come before the States, the first one, on electoral reform and the composition of the States. The establishment of a Boundaries Commission is part of that Proposition.

3.10.5 Deputy M. Tadier:

Does the Chair agree that a Boundary Commission is necessary, irrespective of what changes, in fact, even more so, if changes are not forthcoming, to make sure that the inequalities in representation, particularly in urban areas, are known and addressed as a matter of urgency?

Deputy R. Labey:

Yes, I do and it should have complete autonomy and independence.

3.10.6 Deputy K.F. Morel:

Given the importance of financial transparency to the successful implementation of the observers' recommendations, will the Chair of P.P.C. confirm whether, or not, he will be supporting the Constable of St. Martin's Proposition about funding of political parties and elections?

Deputy R. Labey:

We are very happy, once the States has made a decision on the Constable of St. Martin's Proposition, if it is approved, we will feed it into the whole discussions and consultations that we are having and are going to have, on the whole election expenses, costs mechanism. That is one where it will be interesting to see if the Assembly does want to go to a system where we have one category of States Member, so that we can do the final detail on all that, knowing that we have got just one category of States Member and everybody's expenses will be same, rather than the 3 categories we have at present.

3.10.7 The Connétable of St. Brelade:

I too attended the election observers' mission training at C.P.A. (Commonwealth Parliamentary Association) in London and I do not recall any mention of the Connétables and management of the election processes. My understanding was - and maybe the Chairman would agree - that the election observers look at a lot of different situations, with lots of different individual effects and influences. Would he agree that Jersey should be following its own particular individual style of election processes, provided it falls within proper accepted international rules?

[11:00]

Deputy R. Labey:

With reference to the potential perception of a conflict of interest of the Connétables is a recommendation explicit in the E.O.M. final report. But we must remember, that the report is very complimentary of the way that our elections are run and our whole procedure was deemed fair and independent and good. The thing we have in Jersey is that there are several bodies responsible for the administration of elections: the States Greffe, the Judicial Greffe, the Parishes, the courts, the Law Officers, the Jurats. We do not want to throw the baby out with the bathwater with what is working and we want to retain that and all the good stuff and all the experience and all that the Parishes do; it absolutely would be folly to try and scrap that and start again. There is no need for it, but what we do need to do for a candidate, for a member of the public, for a member of the press, where do they go when they have a question about our elections? To which of those 5 bodies do they go? I think it is important to have an independent election administration body, as is the case nearly everywhere else in the world, so that there is a one-stop shop, there is a point of call and you can be, perhaps, referred to one of the other bodies.

3.10.8 Senator S.Y. Mézec:

I am almost lost to add anything extra with the final supplementary, because of how comprehensive the Deputy's answers were initially. So, therefore, could I simply ask him if he would be able to provide some consolidated version of that answer, not just to States Members, but perhaps publish to the public, as well, so we can be aware of what timelines are being worked to, to see these recommendations implemented with which we can hold him to account, in future, if that timeline slips?

Deputy R. Labey:

Yes, I will take that point on board from the Senator. I would rather wait until after Christmas to do that, when there will be a clearer picture. The whole Government Plan process has sucked a lot of

energy out of all our processes, other than in the Government Plan. But, of course, the Government Plan does contain, from the States Greffe and P.P.C., the biggest investment in Members of this Assembly and resources, than has been seen for decades.

The Bailiff:

You have your light on, Connétable of St. Martin?

The Connétable of St. Martin:

Yes, I just wanted to ask for a point of clarification from the Deputy.

The Bailiff:

No, I am sorry, Connétable, points of clarification are capable during the course of speeches.

The Connétable of St. Martin:

Right, so I did not put my light on before, yes.

The Bailiff:

Yes. In answers to questions, no, otherwise that would extend question time beyond its reasonable tolerances, I am afraid.