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3.2 Deputy S.Y. Mézec of St. Helier of the Chairman of Privileges and Procedures Committee regarding campaign group expenses in relation to the forthcoming referendum:

What provisions, if any, are in place to ensure that there will be a level playing field in terms of what expenses the campaign groups are allowed to incur for the upcoming referendum on the future of the Constables in the States?

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

There is no provision in the Referendum (Jersey) Law 2002 to govern the level of expenditure incurred by campaign groups in promoting their preferred option. In the reform referendum campaign held in April 2013, defined campaign groups emerged for the 3 options and this enabled a publicly-funded website and leaflet to households to contain statements from all 3 groups. If united campaign groups emerge for the forthcoming referendum, funding could be made available to do similar things. If 2 clear groups emerge, the 'Yes' campaign group and the 'No' campaign group will have the opportunity to make their argument on the vote.je website and in the leaflet, which will be sent to all households, a maximum word count would be set. The cost would be met from the funding stipulated in P.118/2014, the Referendum Act, which identifies funding for the printing of ballot papers and a media campaign not exceeding £30,000. In the absence of any statutory body, there is no one in Jersey with the authority to define which campaign group has official status for the content of the website and the leaflet. It is therefore necessary for campaigners to come together to promote their preferred options and make themselves known to the committee and the Greffe and P.P.C. The P.P.C. could only use public money to promote the referendum if there were 2 very clearly identifiable groups that were fully representative of those campaigning for both sides and P.P.C. would urge either of the groups to come forward as soon as possible. Thank you.

3.2.1 Deputy S.Y. Mézec:

The short answer to that question was none. So that means that this referendum is in breach of section 2.2 of the Venice Commission's code of good practice on referendums. So my second question to the Chairman is: does he know how many other criteria of the Venice Commission this referendum is going to breach?

Deputy J.M. Maçon:

I have not had an opportunity to compare and contrast the Venice Commission with our Act. Members will be aware, of course, that this was not the proposition and question that the Privileges and Procedures Committee brought forward. At the eleventh hour, the States Assembly decided upon another question, and accepting the democratic will of this Assembly, P.P.C. - through all the apparatus that we have - are doing what we can in order to enable a fair and balanced referendum should clearly identifiable sides on both sides come forward. Thank you.

[10:00]

3.2.2 Connétable J. Gallichan of St. Mary:

Irrespective of the question which the Assembly foist on P.P.C., does the Chairman not consider that it is P.P.C.'s responsibility to promote the referendum, and does he think, in a mature democracy, we have embarked upon a process which we have not really fully prepared the public for?

Deputy J.M. Maçon:

There are 2 questions there. Of course it is P.P.C.'s responsibility to promote information around this area and if 2 campaign groups do not come forward we have some draft contingency plans, but it is not P.P.C.'s preferred route. With regard to the second question of do we feel that the public are aware enough for this question regarding the composition of the Assembly. One would hope that some of the issues raised in this particular debate, looking at this particular aspect, should have been well covered in the previous referendum and the previous information that went out because it does concern the role of the Constable which was crucial in that referendum as well. Thank you.

3.2.3 The Connétable of St. Mary:

Supplementary, Sir? Does the Chairman feel that the public are currently focused on the fact there is a referendum at all? It is my experience, asking people, is that quite clearly they are not.

Deputy J.M. Maçon:

I take that on board and accept if there is more public awareness that does need to be done, I will undertake to make sure that that occurs. Thank you.

3.2.4 Senator P.F.C. Ozouf:

I was just going to ask the same question as the Connétable of St. Mary but I will build on it. Is the Chairman saying that he has budget in P.P.C. for the referendum but he has done nothing in order to ... 6 weeks away from a massively important constitutional question to be put to the public, that he has nothing effectively to inform the public of that? Is he just saying we are going to rely on a previous referendum to have the arguments properly elucidated for the 'yeses' and the 'noes' of which the 'noes', you know were perfectly valid for their thing but there is no vehicle in order to explain both sides of the argument? This is a dreadful situation and will he please confirm what his proposals are and get on and do something extremely quickly? We are 6 weeks away, are we not?

Deputy J.M. Maçon:

I will repeat myself for the Senator. I did say that P.P.C. does have contingency plans if no 2 groups were to come forward. That work has been drafted but the preferred route in order for the referendum is for 2 clear campaign groups to come forward on the 'Yes' and the 'No' side, but there is work undergoing at the moment through the Greffe in order to provide an informed debate should that not come to pass. Thank you.

3.2.5 Senator P.F.C. Ozouf:

Sir, can I just have a supplementary? When will that decision be made to trigger that, and is the information ... is he able to share the information that he has got in terms of contingency? When will the decision be made and can he share the information within the next 48 hours that he has already drafted?

Deputy J.M. Maçon:

If we work backwards, the booklet which will go out regarding candidates, and therefore any information on the referendum, will be needed to be had by noon of Friday nomination week, and therefore I would imagine the intended proposal is to see if by the first nomination day of the 16th, whether the groups will come together, which we believe is a realistic timeframe, so that we can make sure that all the information, when it goes out for candidates in the referendum, can be contained and given to the public all in one go. Thank you.

Deputy J.G. Reed of St. Ouen:

My question has been asked.

3.2.6 Deputy R.G. Le Hérisier of St. Saviour:

I wonder if the Chairman could indicate whether his committee has learnt any lessons from the Scottish referendum because, as with the Minister for Treasury and Resources, I do feel we are possibly witnessing a slow car crash here. Thank you.

Deputy J.M. Maçon:

Following on from the Deputy's own proposition where he requested P.P.C. to look at the referendum processes and procedures, we have, from that report, incorporated certain elements. I am quite happy to get back to the Deputy to explain exactly what those are, in future. Thank you.

Deputy R.G. Le Hérisier:

But I wonder if he could identify what those elements are because I cannot feel the excitement building up at the moment. [Laughter]

The Deputy Bailiff:

Chairman, can you do so quickly because we have 20 questions to deal with?

Deputy J.M. Maçon:

I will get back to the Deputy, I cannot at this very moment but I will contact my officers and brief the Deputy and any other Members who want that information. Thank you.

3.2.7 Deputy S.Y. Mézec:

The answers to my earlier questions have revealed that this referendum is in breach of the Venice Commission's code of good practice for referendums which therefore means it is bad practice. So how does the Chairman square it off with the public that this Assembly expects them to treat a referendum seriously when it cannot even be bothered to put something to the public that abides by basic principles of fairness and democracy, and is it not time we accepted we are about to walk into another car crash and we should just go for the Royal Commission?

Deputy J.M. Maçon:

While again, in the report which Deputy Le Hérisier asked and endorsed by this Assembly to come forward to, we do accept that there are better practices which could be used. Unfortunately, we are... I hate to use this phrase. We are where we are and P.P.C. is abiding by the democratic will of this Assembly, granted that it was not the question that P.P.C. wanted to put forward to the public. Thank you.