

PRIVILEGES AND PROCEDURES COMMITTEE

(55th Meeting)

16th March 2010

PART A

All members were present, with the exception of Deputy M. Tadier from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman  
Senator B.I. Le Marquand (not present for item Nos. A4 to A9 inclusive, and item No. B1)  
Deputy J.B. Fox  
Deputy J.A. Martin  
Deputy C.H. Egré  
Deputy M.R. Higgins

In attendance -

Senator P.F.C. Ozouf, Minister for Treasury and Resources (item Nos. A2 and A3 only)  
Mr. J. Turner, Deputy Treasurer, Treasury and Resources Department (item Nos. A2 and A3 only)  
M.N. de la Haye, Greffier of the States  
Mrs. A.H. Harris, Deputy Greffier of the States (item Nos. A1 to A4 and item No. B2 only)  
Miss A-C. Heuston, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes. A1. The Minutes of the meetings of 26th January (Part A and Part B); 9th February (Part A and Part B); 10th February (Part A only) and 18th January 2010 (Part A only), having been previously circulated, were taken as read and were confirmed.

Composition and election of the States: Single election day each year. 1240/22/1(50) A2. The Committee, with reference to its Minute No. A6 of 26th January 2010 gave further consideration to the single election day.

The Committee noted a report entitled: Timetable Scenarios for Single Election Day 2011, dated 19th February 2010 and prepared by the Treasury and Resources Department. The Committee also recalled the content of a report entitled: Single Election Day, which had been prepared by the Greffier of the States and considered at the Committee's meeting of 9th October 2009 (Minute No. A8 refers). The Committee noted correspondence in connexion with the single election day between the Chairman and Senator P.F.C. Ozouf, Minister for Treasury and Resources, dated 14th January 2010, 31st December 2009, 5th November 2009 and 13th October 2009.

The Committee welcomed Senator Ozouf and Mr. J. Turner, Deputy Treasurer, Treasury and Resources Department. The Committee discussed possible dates for the single election day, and agreed that 19th October 2011 appeared to be the best solution, as this would allow election canvassing to begin prior to the clocks changing, and would provide 3 weeks for the induction of new States members. It was agreed that the Annual Business Plan requirements should be agreed by the

original Assembly and it was noted that that this would require the States to remain *in situ* for a longer period of time after the election in order for the 2012 budget to be debated and agreed. Elected members would then be sworn in on Monday 14th November 2011.

The Committee noted that consideration was being given to the possibility of holding the election on a Saturday, and **agreed** that the single election day should either take place on Saturday 15th October 2011, or Wednesday 19th October 2011, in accordance with any future decision of the States regarding the day of election.

Election  
expenses  
legislation.  
424/2(67)

A3. The Committee, with reference to its Minute No. A7 of 26th January 2010, gave further consideration to the possibility of free mailing for election candidates in connexion with the introduction of permanent election expenses legislation.

The Committee recalled that it had agreed to bring forward permanent legislation based on the triennial Public Elections (Expenditure and Donations) (Jersey) Regulations 2008 and the Chairman had written to the Minister for Treasury and Resources, Senator P.F.C. Ozouf, to request a meeting to discuss the matter. The Committee welcomed Senator Ozouf and the Deputy Treasurer of the States, Mr. J. Turner, and noted the following correspondence in respect of the matter:

- (a) dated 26th November 2009 between Senator Ozouf and Mr. M. Liston, non-executive Chairman, Jersey Post, and copied to the Chairman of the Committee;
- (b) dated 13th October 2009 from the Chairman of the Committee to Senator Ozouf;
- (c) dated 29th February 2008 from the Greffier of the States to Mr. J. Pinel, Managing Director, Jersey Post;
- (d) dated 4th April 2008 from Mr. A. Starkey, Commercial Director, Jersey Post, to the Greffier of the States;
- (e) dated 10th July 2008 from the former Chairman of the Privileges and Procedures Committee, former Connétable D. Gray to the Managing Director, Jersey Post; and
- (f) dated 11th July 2008 from Mr. I. Carr, Operations Director, Jersey Post, to former Connétable Gray.

The Committee noted that, in the United Kingdom, the Royal Mail was required to distribute election material to every elector on behalf of candidates in accordance with Section 91 of the Representation of the People Act 1983. Senator Ozouf advised that he was supportive of the concept of posting material to every elector in Jersey, together with a polling card, however, free mailing for election candidates was not part of Jersey Post's provision. Were Jersey Post to provide such a large logistical exercise free of charge, it would be likely to result in a reduced dividend for the States of Jersey. It would be preferable for the cost to be met in a transparent way, with the required funds being allocated in the Business Plan. The Committee discussed whether any other commercial businesses in the Island could provide the service and it was noted that, if polling cards were not included in the mailing, a saving could be made by posting one package to each household, rather than to every elector. Should candidates be expected to meet the costs of postage through their election expenses there would be a lack of parity between candidates in the Senators election and those in the Deputies and Connétables elections, where fewer households would need to be canvassed. Consideration was also given to the possibility of producing an election publication; however, feasibility, cost, and manpower implications would need to be taken into account were such a route to be followed.

The Minister **agreed** to hold discussions in respect of this matter with Jersey Post, the Greffier and the Chairman of the Committee in early course.

Having been thanked by the Chairman for their attendance, Senator Ozouf and the Deputy Treasurer withdrew from the meeting.

Draft Freedom of Information (Jersey) Law 201-. 670/1(21)

A4. The Committee, with reference to its Minute No. A1 of 2nd March 2010, received an oral update from the Deputy Greffier of the States in respect of the forthcoming visit of Mrs. J. Dilbert, M.B.E., J.P., Information Commissioner, Cayman Islands, in connexion with the Draft Freedom of Information (Jersey) Law 201-.

The Committee recalled that Mrs. Dilbert would be in the Island on Monday 22nd and Tuesday 23rd March 2010 and would discuss the implementation of freedom of information legislation in the Cayman Islands with the Committee and officers of the States as well as giving a lunch-time presentation to all States members.

The Committee recalled that implementation of the Draft Freedom of Information (Jersey) Law 201- was not within its remit, and **agreed** that its views regarding implementation should be included as an appendix to any forthcoming proposition to introduce the legislation. The Committee also **agreed** to recommend that information created after the date of implementation of the Code of Practice for Public Access to Official Information should be covered by the legislation.

Review of States appointments. 1240/6(55)

A5. The Committee, with reference to its Minute No. A4 of 27th November 2009, received correspondence from Senator A. Maclean, Minister for Economic Development, dated 2nd March 2010, in connexion with appointments to the Jersey Bank Depositors Compensation Board.

Senator B.I. Le Marquand, Minister for Home Affairs, was not present for the consideration of this item.

The Committee recalled that it had lodged the report and proposition: Appointments made by the States: Revised Procedures, to the States on 1st December 2009 (P.205/2009 refers). The proposition had been adopted on 2nd February 2010 and law drafting was underway to make the necessary changes. The Committee noted that, in accordance with to Regulation 10(2) of the Banking Business (Depositors Compensation) (Jersey) Regulations 2009, members of the Board were appointed by the States on the recommendation of the Minister for Economic Development. Senator Maclean had requested in his letter that the revised appointment procedures being applied following the adoption of P.205/2009 be put in place for appointments to the Board by means of an amendment to Regulation 10(2). It was **agreed** that the Committee would be content for appointments to the Board should be made by presenting a report to the States, with the appointment being confirmed following the elapse of a 2-week period. Committee member and Chairman of the Economic Affairs Scrutiny Panel, Deputy M.R. Higgins, expressed reservations with regard to such an amendment, however, and advised that he would discuss the matter with his panel as it was as a result of the panel's amendment that the requirement for States approval of the appointments had been inserted in the Regulations.

It was **agreed** that the Law Draftsman should be invited to draft an amendment to Regulation 10(2) of the Banking Business (Depositors Compensation) (Jersey) Regulations 2009 and the Chairman was **requested** to write to Senator Maclean to advise him of the Committee's decision.

Correspondence from Mr. B.R. Cooper.

A6. The Committee, with reference to its Minute No. A9 of 26th January 2010 received correspondence, dated 9th and 1st March 2010 from Mr. B.R. Cooper.

1135/19/1(7)

Senator B.I. Le Marquand, Minister for Home Affairs, was not present for the consideration of this item.

The Committee noted the content of the correspondence, and the enclosure of a letter to Mr. Cooper from H.M. Attorney General dated 15th August 2005. In his letter, the Attorney General clearly set out the manner in which the States had agreed to settle the litigation in relation to the matters raised by Mr. Cooper. The Committee **agreed** that, as per its previous correspondence, it could not be of any assistance and asked the Chairman to write to Mr. Cooper to advise him accordingly.

The Committee Clerk was **requested** to take the necessary action.

Media Working  
Party.  
1240/10(36)

A7. The Committee, with reference to its Minute No. A13 of 11th December 2009, received a copy of the final report of the Media Working Party.

Senator B.I. Le Marquand, Minister for Home Affairs, was not present for the consideration of this item.

The Committee recommended the report and it was agreed that it should be forwarded to the Chairmen's Committee for consideration, prior to the lodging of a proposition in respect of the recommendations. The Committee was conscious that the matter has been ongoing for many months and agreed that it would like to bring it to a conclusion through a debate as soon as possible, with a view to lodging a proposition by the beginning of May. Deputy M.R. Higgins advised that he was not content with the findings of the report in respect of the requirement for media organisations to seek accreditation.

The Chairman was **requested** to write to the President of the Chairmen's Committee enclosing a copy of the report and inviting comments in early course.

Confidentiality  
clauses.  
1444/5(10)

A8. The Committee received e-mail correspondence, dated 10th March 2010, from Deputy M.R. Higgins in connexion with a complaint regarding the use of confidentiality clauses by the Economic Development Department.

Senator B.I. Le Marquand, Minister for Home Affairs, was not present for the consideration of this item.

The Committee noted that Deputy Higgins wished to make the complaint following the imposition of a blanket confidentiality requirement on documentation received from the Economic Development Department in respect of the Economic Affairs Scrutiny Panel's review of the Depositor Compensation Scheme. The Deputy, who was noted as being Chairman of the Panel, had since been advised of a further blanket confidentiality clause on material being supplied for a sub-panel review of the Harbours and Airport. Deputy Higgins expressed the view that this was unacceptable, and that Departments should identify what was and was not confidential, prior to providing the material. The Deputy also advised that there had been unacceptable delays in the provision of information, including annual reports, which should have been readily available. The view was expressed that this was an obstruction of the scrutiny process and an urgent matter that should be addressed by the Committee.

Having discussed the matter with Deputy Higgins, the Committee **requested** that he refer his complaint to the Chairmen's Committee in the first instance.

Matters for  
information.

A9. The Committee noted the following matters for information:

- (a) a retirement gift would be purchased for Mrs. N. McNeice, States tea lady, who would retire at the conclusion of the next States sitting.

- (b) The following correspondence had been sent by the Chairman following the Committee's previous meeting:
- (i) to the Chief Minister, dated 4th March 2010, regarding the date of the Annual Business Plan debate;
  - (ii) to the Chairman of the States Members' Remuneration Review Body, dated 4th March 2010, regarding the development of a pension scheme for States members;
  - (iii) to Deputy P.V.F. Le Claire, dated 4th March 2010, regarding the development of a pension scheme for States members;
  - (iv) to the director of Information Services, dated 4th March 2010, regarding BlackBerries;
  - (v) to the Chairman of the States of Jersey Complaints Panel, dated 4th March 2010, requesting a meeting with the Committee;
  - (vi) to the Minister for Treasury and Resources, dated 10th March 2010, regarding the Comprehensive Spending Review;
  - (vii) to all States members, dated 8th March 2010, concerning the availability of identity cards.

Senator B.I. Le Marquand, Minister for Home Affairs, was not present for this item.