

KS/SC/063

PRIVILEGES AND PROCEDURES COMMITTEE

(22nd Meeting)

5th February 2019**PART A (Non-Exempt)**

All members were present, with the exception of Deputy M.R. Le Hegarat of St. Helier, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
 Connétable A.S. Crowcroft of St. Helier
 Connétable C. H. Taylor of St. John
 Deputy J.M. Maçon of St. Saviour
 Deputy S.M. Wickenden of St. Helier
 Deputy C.S. Alves of St. Helier

In attendance -

Dr. M. Egan, Greffier of the States
 L.M. Hart, Deputy Greffier of the States
 W. Millow, Assistant Greffier of the States (Chamber)
 A. Goodyear, Assistant Greffier of the States (Public Engagement)
 G. Piziura, Social Sciences Degree Student, Work placement
 K.L. Slack, 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 held on 13th November 2018 (Part A and Part B), 22nd November 2018 (Part A and Part B), 4th December 2018 (Part A only) and 12th December 2018 (Part A only), having previously been circulated, were taken as read and were confirmed.

Amendment to P.143/2018, 'Jèrriais: promotion by the Public Sector' – comment. 465/4(27) A2. The Committee received a draft comment on Deputy M. Tadier of St. Brelade's Amendment to the Proposition of Deputy J.M. Maçon of St. Saviour, 'Jèrriais: promotion by the Public Sector' (P.143/2018 Amd.), which was due to be debated on 12th February 2019.

The Committee noted that Deputy Maçon's Proposition sought to make Jèrriais more visible by introducing a policy that all official signage and departmental letter heads, which were produced and used by the Public Sector, should be written in Jèrriais, with an English translation beneath. Moreover, that this policy should, where possible, be extended to the Courts and any bodies in receipt of funding from the States, or owned by the States, whether wholly or partly.

Deputy Tadier's Amendment to P.143/2018 went further and proposed that Jèrriais should be recognised as one of the 'official languages' of the States Chamber. The Committee decided that it wished to comment on this Amendment, to bring to the attention of Members of the States the procedural implications of adopting the same.

The Committee was mindful that neither the Standing Orders of the States of Jersey,

nor the States of Jersey Law 2005, made any specific provision in respect of which languages could be used in the States Assembly. Historically, French had been spoken, but in February 1900 the Assembly had adopted an Act to permit the use of English. As a consequence, should the States decide to adopt Deputy Tadier's amendment and Deputy Maçon's Proposition, as amended, Members would have the opportunity to address the Chamber in Jèrriais, in the same way that they currently did in French, or English. Although the Committee was aware that some Members of the States had occasionally spoken in Jèrriais, it was informed that the Committee, as previously constituted, had resolved that a decision of the Assembly would be required in order to formally permit Members the right to speak it.

The Committee felt that some Members might have concerns over lengthy speeches being made in Jèrriais when they did not understand the language, but envisaged that the Presiding Officer would, where necessary, remind the speaker of the importance of their words being understood not only by Members, but by the wider public.

The Committee accordingly approved the draft comment and requested the Assistant Greffier to arrange for it to be presented to the States.

Forthcoming
business for
debate by the
States
Assembly.
465/1(210)

A3. The Committee received a list of forthcoming business for debate by the States Assembly at its meetings to be held on 12th and 26th February and 12th March 2019.

The Committee noted that Deputy L.M.C. Doublet of St. Saviour had lodged a Proposition, 'States Assembly Diversity Forum: establishment' (P.135/2018), which was due to be debated on 12th February 2019. The Committee was informed that the Chief Minister was supportive of the Proposition, as was the Greffier. It was queried whether an amendment to Standing Orders would be required in order to enable Members of the States to ask questions of the Convenor of the Diversity Forum, but the Greffier indicated that the Forum would be established along similar lines to the Bailiff's Consultative Panel and would not be the subject of questions in the States. The Committee noted that this Forum would replace the one which Deputy Doublet had established in 2017 with the former Chief Minister and would afford it a more formal status. The Committee recalled that the Council of Ministers had not agreed to the establishment of the Forum, so it was not a product of the Executive, but there had remained an element of uncertainty over who was responsible therefor, and this Proposition aimed to provide some clarity. It had been suggested that Deputy Doublet might defer the Proposition and the Greffier indicated that he would clarify this with her.

It was noted that Deputy K.F. Morel of St. Lawrence had lodged an amendment to the Committee's Proposition, 'Draft Amendment (No. 38) of the Standing Orders of the States of Jersey' (P.1/2019), which was due to be debated on 12th February 2019. The Committee was mindful that all candidates for ministerial office were required to make a statement and to face questions, irrespective of whether or not they were the only candidate for a position. However, Deputy Morel's Amendment made it a requirement for all Ministers to then provide a written statement of their policy intentions to the Assembly within 3 working days of being elected to office. In the view of the Committee, the Deputy's proposed Amendment was otiose. If Members of the States did not agree with the contents of the Minister's statement, there was no recourse to take any action. Moreover, on the basis that the Council of Ministers' Common Strategic Policy was agreed 3 months after the Ministers took up their positions, their policy intentions should be included therein. Accordingly, the Greffier was requested to prepare a comment for the Chairman in this regard.

The Committee noted that two of the items of business, due to be debated on 26th February 2019, related to the Public Elections (Expenditure and Donations) (Jersey)

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Law 2014 ('the Law'). The Chairman reminded the Committee that the CPA Election Observers had made a recommendation in their report in connexion with the systematic scrutiny of all financial declarations and that the Election Observers' Sub-Committee had this issue as part of its agenda of work. The Committee recalled that there was already a requirement in the Law for the Judicial Greffier to make the financial declarations by candidates available for inspection at the Judicial Greffe. Deputy J.H. Young of St. Brelade (P.6/2019) proposed an amendment to the Law to require those declarations to be published on a public website, whilst Deputy J.M. Maçon of St. Saviour (P.7/2019) proposed a review of the Law and its implementation and mooted that reference within the Law to 'election expenses' should be amended to 'election costs' as some members of the public and even election candidates were of the view that individuals could claim back the money expended in standing for election from a central fund.

The Committee expressed dissatisfaction with the calibre of checks which had been undertaken by the Judicial Greffe in relation to candidates' expenses following the 2018 election. It was noted that, in the United Kingdom, this responsibility sat with the Electoral Commission, which had the *vires* to take people to court. It was mooted that responsibility for administration of the Law could be removed from the Judicial Greffe and a local Electoral Commission established. The Committee decided that it wished to present comments on both P.6/2019 and P.7/2019 and instructed the Deputy Greffier to take the necessary action.