

PRIVILEGES AND PROCEDURES COMMITTEE

(57th Meeting)

20th July 2005PART A

All members were present, with the exception of Senator P.V.F. Le Claire and Deputy J-A. Bridge, from whom apologies had been received.

Deputy R.G. Le Hérisssier
 Connétable D.F. Gray
 Deputy P.N. Troy
 Deputy C.J. Scott Warren
 Deputy J.A. Bernstein

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 I. Clarkson, Committee Clerk

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

- Minutes. A1. The Minutes of the meetings held on 19th May (Parts A and B), 25th May (Part A), 26th May (Part A), and 6th June 2005 (Part A), having been circulated previously, were taken as read and were confirmed.
- Administrative Decisions (Review) (Jersey) Law 1982: (Amendment No .2). 1386/2(79) 1386/4(15)
 Clerk G.O.S. L.D.
- A2. The Committee, with reference to its Acts Nos. A12 of 17th March 2005 and A3 of 7th April 2005, recalled that it had proposed a series of amendments to improve the effectiveness of the Administrative Appeals system.
- The Committee considered the draft Administrative Decisions (Review) (Amendment No.2) (Jersey) Law 200-. It noted that the draft Law, if adopted, would cause the Administrative Appeals Panel and individual Boards of Administrative Appeal to be renamed, so as to make the appeals process more understandable to the public. The former would be known as the States of Jersey Complaints Panel, while the latter would be known as States of Jersey Complaints Boards. Other proposed changes, including the creation of an informal resolution procedure, were in accordance with the Committee's findings as published in R.C. 20/2004.
- The Greffier of the States advised that an accompanying report had been prepared and would be circulated to members for approval in the near future.
- The Committee approved the draft Administrative Decisions (Review) (Amendment No.2) (Jersey) Law 200- and requested that the accompanying report be circulated for approval by telephone meeting in order that the draft Law could be lodged 'au Greffe' in early course.**
- The Committee Clerk was instructed to take the necessary action.
- Standing Orders of the States of Jersey: revision. A3. The Committee, with reference to its Act No. A1 of 27th June 2005, recalled that it had requested comments from members in connexion with a draft, dated 27th June 2005, of the new Standing Orders of the States of Jersey.

Clerk
G.O.S.
L.D.

It was reported that only Deputy J.L. Dorey of St. Helier had so far responded to the Committee. Accordingly the Committee considered a report, dated 19th July 2005 and prepared by the Greffier of the States, in connexion with the comments received.

The Committee welcomed Deputy J.L. Dorey.

Deputy J.L. Dorey referred the Committee to Standing Order No. 128 (2). He contended that it might be unwise to exclude Members not involved in scrutiny from sitting on the Chairmen's Committee, as long as such members were in a minority and therefore not in a position to force proceedings. He suggested that the presence of one or two such members on the Chairman's Committee would provide a link with the generality of the Assembly.

The Committee considered that individual members of Scrutiny might question whether persons not actively engaged in the Scrutiny function should be permitted to exercise control over the process. It nevertheless conceded that the States would benefit from having sufficient flexibility to appoint such a member to the Chairman's Committee so as to introduce a degree of independent oversight. **On that basis the Committee agreed to modify draft Standing Order No.128 to allow for up to two Members not involved in scrutiny to be appointed to the Chairmen's Committee.**

Deputy J.L. Dorey then suggested that the Committee might wish to simplify its favoured approach to lodging periods by requiring that all propositions be lodged for a minimum of six weeks and continuing with the present system of lodging matters without notice 'on a blue'. Having contended that the underlying principle of Standing Orders should be that of a 'ready reckoner' of procedure, Deputy Dorey suggested that the proposed mix of 2, 4 and 6 week lodging periods was too complex to be understood or remembered easily. He alleged that a number of recent propositions had been lodged 'au Greffe' with a request for the Assembly to debate the matter urgently when, in fact, the need for an urgent debate had only arisen through poor organization and planning at the relevant government department.

The Committee recalled that Deputy J.L. Dorey had made a similar suggestion in his capacity as a member of the Working Party on the Arrangement of Public Business in the States. Although it accepted that there had been occasions when early debates had been required through poor planning, it also acknowledged that it would be inappropriate to hold debates on no confidence motions 6 weeks after a relevant proposition had been lodged. It further considered that while the system as drafted appeared, on reflection, to be overly complex, an inflexible 6 week requirement might encourage frequent and lengthy debates on prioritization of public business, thereby exacerbating the very problem that the Committee had sought to alleviate. **The Committee therefore agreed –**

- (a) **that a minimum lodging period of 2 weeks should apply to the following propositions –**
- (i) **a proposition for the appointment of any person to any tribunal or to any public body or office,**
 - (ii) **a proposition lodged by the Chief Minister under Article 20(5) of the Law for dismissal of a Minister,**
 - (iii) **a proposition that the States had no confidence in any person or body,**
 - (iv) **a proposition for the censure of any person or body,**

- (v) a proposition for the suspension of a standing order,
 - (vi) a draft legislative Act; and
 - (vii) propositions lodged by a member of the States in his or her own right; and
- (b) that a minimum lodging period of 6 weeks should apply to the following propositions –
- (i) a draft Law, draft Regulations or draft standing orders;
 - (ii) a proposition for approval by the States of the common strategic policy of the Council of Ministers under Article 18(2)(e) of the Law;
 - (iii) a proposition on any matter relating to the administration of property;
 - (iv) propositions lodged by –
 - the Council of Ministers,
 - a Minister,
 - the PPC,
 - the PAC,
 - the chairmen’s committee,
 - a scrutiny panel,
 - any other committee or panel established by standing orders, or
 - the Comité des Connétables.

On the matter of minimum lodging periods applicable to proposals to amend a proposition, the Committee agreed the following changes –

- (a) 1 week for an amendment to a proposition with a minimum lodging period of 2 weeks, and 4 days for amendments to the original amendment;
- (b) 2 weeks for an amendment to a proposition with a minimum lodging period of 6 weeks, and 1 week for amendments to the original amendment.

The Committee also agreed that there should be no minimum lodging period applicable to a proposition relating to any action or a remedy sought in a petition.

A discussion followed on draft Standing Order No. 155 (2) and the matter of whether an elected member should be required to notify the Greffier, in writing, of changes in, or additions to, his or her registrable interests. Deputy J.L. Dorey observed that some members might find such a requirement rather onerous and he suggested that the public might be more interested in learning whether particular registrable interests were bought or sold on or near dates that were of some political relevance. **The Committee undertook to review its position on the matter during the Summer recess.**

Deputy J.L. Dorey observed that paragraph 8 of Schedule 2 created an obligation on

both members and their spouses or partners to declare non-pecuniary interests that might reasonably be thought by other persons to influence the legitimate political actions of an elected member. He submitted that paragraph 8 constituted an excessive and unwarranted invasion of privacy and he noted that the wording of the paragraph as drafted might allow a member to fall foul of Standing Orders in the event that his or her partner had failed to disclose a relevant non-pecuniary interest.

The Committee recalled that it had elected to include paragraph 8 because it considered that members holding non-remunerated directorships of charitable trusts and other similar positions should be required to notify the public. It believed that members in such positions could place their charitable organization at an unfair advantage in situations where, for example, that organization was required to compete with others for a government grant. Moreover, it maintained the view that the Island's status as a relatively close-knit community brought with it a correspondingly greater likelihood of perceived corruption. **Accordingly the Committee considered that paragraph 8 should be retained as an additional measure to alleviate public concern in this regard.**

Finally, Deputy J.L. Dorey submitted that Schedule 1 of the draft Standing Orders should be amended to allow for a petition which was not written in English or French to be translated into one of the aforementioned languages, on account of the fact that the States Assembly was a bilingual parliament. **The Committee agreed to consider the suggestion at its next meeting.**