STATES OF JERSEY

STATES ASSEMBLY: TIME LIMITS ON SPEECHES IN DEBATES (P.101/2019) – SECOND AMENDMENT

Lodged au Greffe on 5th November 2019
by Deputy M. Tadier of St. Brelade

STATES GREFFE

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PAGE 2, PARAGRAPH 1(a) –

For the words "should not normally" substitute the words "shall not" and delete paragraph (1)(b), and re-designate paragraph (c) as paragraph (b).

DEPUTY M. TADIER OF ST. BRELADE

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

(1) (a) that speeches in debates in the Assembly shall not exceed 15 minutes in length, excluding time spent on interventions, points of order and clarification, and questions to the Attorney General;

~~(b) that the presiding officer should be permitted to exercise discretion to allow a member to speak for longer than 15 minutes;~~

(b) that the presiding officer should be permitted to announce and implement a shorter time limit on speeches if he or she considers that it is necessary to do so; and

(2) (a) to request the Privileges and Procedures Committee to prepare and lodge amendments to Standing Orders to give effect to paragraph (1) above; and

(b) to request the Bailiff to issue guidance on the discretion which may be exercised by the presiding officer under paragraphs (1)(b) and (c) above, following consultation on that guidance with the Privileges and Procedures Committee.

REPORT

In the Jersey parliamentary context, I do not believe that an imposition of time limits is currently proportionate or justified. However, if the proposition (P.101/2019) from the Privileges and Procedures Committee ("PPC") is to be passed, it should be done with some improvements to the wording.

In its current form, the wording is at best 'sloppy'. It allows for too much ambiguity, *too much* discretion on the part of the presiding officer and, therefore, a multitude of unintended consequences. A majority of members on PPC, presumably, think that States Sittings go on too long for their liking and that the solution is to impose a 15 minute time limit; however, there are many parts of the proposition that are contradictory: 'speeches in debates... *should not normally* exceed 15 minutes'; 'The presiding officer ***should*** be permitted to allow a member to speak for *longer than* 15 minutes'; 'The presiding officer ***should*** be permitted to implement *a shorter time limit on speeches.'*

In leaving so much discretion to the presiding officer, PPC risks leaving that individual in a very invidious position.

First of all, the language used 'should normally', not 'shall' implies that the time limit is a moveable feast. *It should apply, but it does not have to.* Perhaps if the speaker is well liked in the Assembly, if the speech is entertaining, if no-one else is going to speak on the proposition, or the speaker is speaking on behalf of a group of members (a party, a panel, a department, a working group), they will be allowed to speak longer. Perhaps, if the member is not well liked, if the rhetorical devices used are not to the taste of the Chair, if the speech is a bit boring or *too close to the knuckle*, a shorter time limit will be imposed. Maybe the presiding officer will impose a 10, a 5 or even a 3-minute speech, at whim.

Of course, it will be suggested that the presiding officer *would not* do this. But is s/he does not, yet the Assembly wishes s/he does, then what happens? In theory, under well-established Commonwealth Parliamentary principles, parliament is sovereign. It decides on its own rules for debate and can suspend standing orders as it wishes (though not in Jersey, maybe).

This brings me on to the point about having an elected speaker. This should be a condition for any implementation of a time limit. Such a new rule will inevitably lead to more politicization of the decisions of the presiding officer. And natural justice requires that there be an appeal mechanism to any decisions made (albeit retrospectively) and for accountability for when flawed decisions are made. Currently, the Assembly has no ability to lodge a vote of no confidence in the presiding officer (or does it? and how would that work exactly)?

In order to ensure that the time limit rule is not abused, the president must be accountable to the Assembly, and I want to know that any potential abuse in deciding who may speak for longer than 15 minutes and who will not be allowed to speak for 15 minutes will be open to appeal. This can only be achieved if we have an elected speaker, who can be removed or chastised at the will of the Assembly.

To move from the current position of no time limits to 15 minutes, would be a significant jump. Many subjects we debate are complex and/or nuanced. If there is to be a time limit, then 20 minutes would for more in-depth inquiry to be made in speeches.

Financial and manpower implications

There are no financial and manpower implications arising from this amendment.