

PRIVILEGES AND PROCEDURES COMMITTEE

(34th Meeting)

10th January 2007**PART A**

All members were present with the exception of Deputy G.C.L. Baudains from whom apologies had been received.

Connétable D.F. Gray of St. Clement - Chairman
 Senator S. Syvret
 Senator M.E. Vibert
 Connétable K.A. Le Brun of St. Mary
 Deputy C.H. Egré
 Deputy J. Gallichan

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 Miss P. Horton, 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 15th November 2006 (Part B only) and 13th December 2006 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

Law Drafting
 Programme 2008.
 422/23/1(17)

A2. The Committee received correspondence dated 20th December 2006, received from the Policy Advisor, Chief Minister's Department, in connexion with the 2008 Law Drafting Programme.

The Committee agreed that it would require drafting time for amendments to the Public Elections (Jersey) Law 2002 to allow for the formal registration and regulation of political parties in the Island and also to restrict the amount candidates standing for election could spend during an election campaign. The Committee requested that the appropriate Legislation Request Questionnaire be forwarded to the Chief Minister's Department prior to 31st January 2007.

The Greffier of the States was directed to take the necessary action.

Electoral Reform:
 lowering age of
 voting and
 registration of
 political parties.
 424/2(39)

A3. The Committee considered a proposition entitled 'Electoral Reform' (P.4/2007 lodged 'au Greffe' on 11th January 2007 by Deputy G.P. Southern of St. Helier) and a proposition entitled 'Public Elections: Reduction in Voting Age to 16' (P.166/2006 lodged 'au Greffe' on 5th December 2006 by Deputy P.V.F. Le Claire of St. Helier).

The Committee noted that the purpose of Deputy Southern's proposition was to lower the age at which a person would be entitled to vote in public elections from 18 to 17; that eligibility to register to vote in public elections should no longer be linked to length of residence in Jersey but should be an automatic entitlement to every

resident as soon as they were registered in the population register; a system of registration of political parties be created; a system of the regulation of election expenses be introduced; and details of the party affiliation of candidates of a registered political party and the party logo be permitted on ballot papers. The Committee further noted that the purpose of Deputy Le Claire's proposition was to lower the Island's voting age to 16.

The Committee was of the view that lowering the age of entitlement to vote was a matter for the States to decide however it was agreed that it could be beneficial to include in its comments information regarding the age people were entitled to vote in other jurisdictions. The Committee expressed concern with regard to allowing people the right to vote regardless of their length of residency as it was considered that there were various implications which had not been taken into account. The Committee advised that it would be premature to agree to link voting registration to the population register as the latter was still in the process of development. With regard to the registration of political parties and the regulation of election expenses the Committee was actively working on proposals for change which would be brought to the States shortly.

The Committee noted that neither Deputy Southern or Deputy Le Claire had provided information regarding the views of the people within the age range who would be affected if the voting age was lowered and it was agreed that the Youth Council should be contacted in order to ascertain the opinions of young people between the ages of 16 and 19.

The Committee decided to present a comment to the States in the aforementioned terms. The Greffier of the States was directed to take the necessary action.

Draft Freedom of Information (Jersey) Law. 670(1)

A4. The Committee, with reference to its Minute No. A6 of 20th September 2006, received and considered a report prepared by the Deputy Greffier of the States together with the draft Freedom of Information (Jersey) Law 200- and draft Freedom of Information (Jersey) Regulations 200-.

The Committee noted that the Law Draftsman had prepared a simplified version of the draft Freedom of Information Law and the detailed matters were in the draft Regulations. The Committee recognised that it had been considering the Freedom of Information legislation for some time with little progress being made.

Senator Syvret reminded the Committee that he had requested that a public interest clause be included in the legislation and advised that he still had some concerns with regard to various exemptions in the proposed Law which had not been addressed in this simplified version of the draft legislation. The Committee agreed that Senator Syvret should arrange a meeting with the Deputy Greffier of the States to discuss his concerns at the earliest opportunity.

Recommended benchmarks for democratic legislatures. 1275(468)
Encl.

A5. The Committee considered a document received from the Commonwealth Parliamentary Association on recommended benchmarks for democratic legislatures.

The Committee recognised that under its terms of reference it was responsible for most of the matters listed in the document and was pleased to note that Jersey met most of the suggested benchmarks.

The Committee noted the position.

Composition and Election of the

A6. The Committee, with reference to its Minute No. A8 of 13th December 2006, noted the responses which had so far been received in connexion with the

States Assembly.
465/1(75)

Composition and Election of the States Assembly and also considered a draft leaflet outlining the options.

The Committee recalled that it had agreed that a copy of the draft leaflet would be sent to every household in the Island in order to gauge the public's views of the options. A further survey of public opinion on the matter would be commissioned from MORI and the views of States members would be gauged by means of an 'In Committee' debate on the report in the States on 30th January 2007. The Committee approved the leaflet subject to some minor amendments.

The Committee decided that it would hold a series of public meetings in St. Helier, the West of the Island and the East of the Island. It was agreed that the meetings would be held over three evenings between 30th January and 1st February 2007 in order to gauge the public's views of the options.

The Greffier of the States was directed to take the necessary action.

Rôle of advisers
at Scrutiny Panel
hearings.
465/1(84)

A7. The Committee received and considered correspondence dated 29th December 2006 from the President of the Chairmen's Committee in connexion with the rôle of advisers at Scrutiny Panel hearings.

Encl.

The Committee noted that the Chairmen of the Scrutiny Panels had found that when they were questioning witnesses on technical issues it would be advantageous to allow a technical expert or adviser to put questions on the Panel's behalf. However, the Committee was advised that only States Members were protected by immunity from proceedings by the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 2006, although the States could make regulations to confer immunity on members of Committees and persons appearing before any Committee or Panel who were not States Members. The Committee was requested to bring forward the relevant amendments to legislation to enable appropriate non States Members to put questions on behalf of the Scrutiny Panel to witnesses in a hearing.

The Committee agreed that it would be prepared to bring forward the necessary amendments provided there was a protocol implemented requiring that the Chairman of the Panel would have to approve the line of questioning prior to the hearing and that there would not be an automatic right for the adviser to put questions. It would also be necessary to ensure that witnesses were aware that questions could be put to them by an adviser as well as by members of the Panel.

The Deputy Greffier of the States was directed to take the necessary action.

Standing Order
26: Minimum
Lodging Period
for Scrutiny
Propositions.
1240/4(178)

A8. The Committee, with reference to its Minute No. A6 of 11th November 2006, received and considered correspondence dated 29th December 2006 from the President of the Chairmen's Committee in connexion with the minimum lodging period for Scrutiny Propositions.

Encl.

The Committee recalled that the current period of time that a Scrutiny Panel could have to scrutinise a matter was four States meetings (normally eight weeks). The Economic Affairs Panel was of the opinion that it was not feasible within that timescale for a Scrutiny Panel to lodge a stand alone proposition relating to the matter under consideration with a six week lodging period. In order to allow the Scrutiny Panel an additional month to carry out its review prior to considering whether a standalone proposition needed to be lodged or not, it was requested that Standing Order 26(3) be amended to include "a proposition lodged by a Scrutiny Panel upon a matter currently being scrutinised by the Panel" to provide that such a

proposition should have a lodging period of two weeks only.

The Committee further recalled that the Council of Ministers had suggested that it would be a little early to take a decision of this nature, relatively soon after the introduction of Ministerial government, and that it would be better if the matter were considered as part of the proposed review of Ministerial government (“Ministerial government: review of the first 12 months” - P.77/2006), which would enable the proposal to be considered in the wider context of the Executive and Scrutiny functions.

The Committee, having considered the proposal, reasoned that the rôle of Scrutiny was to prepare a report on matters it had scrutinised, with recommendations, or an amendment when a proposition had already been lodged, but it was not appropriate for Scrutiny to propose stand alone propositions which were likely to present alternative policy. The Committee recognised that the States could defer debate on a matter that was being considered by Scrutiny, and if a standalone proposition was imminent, then the States could decide to consider the two matters together at a forthcoming meeting. The Committee decided not to propose this amendment and reiterated its previous decision that the matter should be considered as part of the proposed review of Ministerial Government.

The Deputy Greffier of the States was directed to take the necessary action.

Standing Order
72: Minimum
Lodging Period
for Scrutiny
Propositions.
1240/4(178)
Encl.

A9. The Committee, with reference to its Minute No. A2 of 9th August 2006, received and considered correspondence dated 29th December 2006 from the President of the Chairmen’s Committee in connexion with increasing the period of time allowed by Standing Orders for a Panel to review a draft law or draft regulations.

The Committee recalled that the Economic Affairs Panel had requested that the period of time allowed by Standing Orders for a Panel to review a draft law or draft regulations be increased. The Panel considered that the period of time currently allowed by Standing Order 72(6) was insufficient. This Standing Order required that if a draft law or regulation was referred to Scrutiny following approval of the principles then the debate must resume not later than the 4th meeting following that debate which could be as little as eight weeks. The Panel had recommended that this be extended to the 6th meeting day or twelve weeks after the debate upon the principle.

The Committee further recalled that it had agreed that it could support the matter provided the period of review did not extend beyond twelve weeks, however, prior to making a decision the Council of Ministers had been consulted. The Council of Ministers had suggested that it would be a little early to take a decision of this nature, relatively soon after the introduction of Ministerial government, and that it would be better if the matter were considered as part of the proposed review of Ministerial government (“Ministerial government: review of the first 12 months” - P.77/2006), which would enable the proposal to be considered in the wider context of the Executive and Scrutiny functions.

Having considered the abovementioned the Committee agreed that the matter should be considered as part of the proposed review of Ministerial government.

The Deputy Greffier of the States was directed to take the necessary action.

Budget - Year

A10. The Committee, with reference to its Minute No. 4 of 15th November 2006,

end 2006 and
carry forwards to
2007.

422/10/1(81)

Encl.

received and considered a report dated 9th January 2007, prepared by the Deputy Greffier of the States in connexion with the budget for the year ending 2006 and the carry forwards to 2007.

The Committee noted that the balances on the budget of the States Assembly and its services managed by the Committee amounted to an anticipated underspend in the sum of £549,475. Having further noted the details of the predicted underspend, the Committee recognised that the functions covered by the budget had gone through a significant transformation due to the move to Ministerial government which had made it very difficult to gauge the impact of the transformation in financial terms.

With regard to the carry forwards from 2006, the Committee was advised that it was no longer possible to request the total carry forward sums required. These must either be an actual amount or 1% of the total whichever was the lesser amount, with 3% being allowed if it could be justified. In addition, the 'commitments' system had changed, in that amounts could only be carried forward in respect of services actually received in the year in question. It was therefore no longer possible to commit current funds when a decision was taken to undertake an activity, if the service was actually delivered in the following year. If a service had been received in the current year, but the invoice had not yet been paid in the following year, this was known as 'accruals' and was allowed.

The Committee was further advised that carry forwards could be allowed where prior approval of the States had been obtained or where the expenditure was unexpected and unforeseen. The Committee recalled that the States had approved a carry forward of £188,000 for the operation of the fifth Scrutiny Panel and there had been certain items of unforeseen expenditure, such as the MORI poll to be undertaken in 2007 by the Committee in respect of the composition and election of the States Assembly, and the Assemblée Parlementaire de la Francophonie European Presidents' Conference, for which an offer was made to host after the 2007 budget had been finalised.

The Committee agreed that it would request to carry forward 1% of the Budget and also funding for the abovementioned unforeseen expenditure.

The Deputy Greffier of the States was directed to take the necessary action.

Matters for
information.

A11. The Committee noted the following matters for information -

- (a) correspondence, dated 28th November 2006, sent to H.M. Attorney General regarding The Jersey Electoral Register;
- (b) correspondence, dated 12th December 2006, received from H.M. Attorney General regarding The Jersey Electoral Register;
- (c) correspondence, dated 28th November 2006, sent to Deputy P.V.F. Le Claire regarding Voting in the States Assembly;
- (d) correspondence, dated 28th November 2006, sent to Deputy G.P. Southern regarding Access to Electoral Register - credit agencies and political parties;
- (e) correspondence, dated 28th November 2006, sent to Deputy G.P. Southern regarding Scrutiny - increased time for scrutiny;
- (f) correspondence, dated 15th December 2006 sent to Professor P.W. Edge, LL.B., Ph.D. (Cantab) regarding the study of religious representation in

the States Assembly;

- (g) correspondence, dated 15th December 2006 sent to Mr. C. Swinson, Comptroller and Auditor-General, regarding Embargoes on reports presented to the States;
- (h) correspondence, dated 27th December 2006, sent to all States Members regarding Reform of the composition of the States - next steps; and
- (i) the Committee agreed that its next meeting would be held on Wednesday, 7th February 2007, commencing at 9.30 a.m. in the Le Capelain Room, States Building, Royal Square, St. Helier.