
STATES OF JERSEY



STATES BUSINESS ORGANISATION SUB-GROUP: REPORT

**Presented to the States on 24th May 2010
by the Privileges and Procedures Committee**

STATES GREFFE

REPORT

Foreword

In November 2009 the Privileges and Procedures Committee established a small Sub-Group to look at the organisation of States business. The decision to set up the group came in response to concerns about the significant increase in the number of States meetings during 2009, and the associated increase in the number of questions and the length of debates.

On 18th May 2010 the Sub-Group presented its Report to the Privileges and Procedures Committee.

The Sub-Group's Report indicates very clearly that, in its view the current system of government established in December 2005 should be reviewed and that the matters that gave rise to concern during 2009 such as the rise in the number of Questions or the length of States Sittings are, in fact merely, symptoms of a wider problem.

PPC has decided to present the Report to the States to stimulate discussion on this issue and welcomes comments from members of the States and others on the conclusions of the Sub-Group. PPC believes it is important for the Council of Ministers, the Chairmen's Committee and individual members to consider whether or not a review of the current system of government would be appropriate to overcome the perceived divisions and divisiveness that has been identified by the Sub-Group.

PPC has already been notified that 2 States members who recently attended a Commonwealth Parliamentary Association Conference in the Isle of Man wish to discuss the Isle of Man system of government with PPC as an example of how a more inclusive system can operate in a small jurisdiction.

Comments on the Sub-Group's Report can be forwarded to the Privileges and Procedures Committee through the Committee Clerk, Anna Heuston, at the States Greffe, Morier House, St. Helier, JE1 1DD, or by e-mail to a.heuston@gov.je.

Introduction

The States Business Organisation Sub-Group recalled its work had arisen from the increasing concerns at the volumes of States business and the amount of time that States members were having to devote to it to the detriment of other responsibilities. The Privileges and Procedures Committee had announced a review in response to those increasing concerns and it had established this Sub-Group to review those parts of States' business that had particularly increased during the preceding year.

Modus Operandi

The Privileges and Procedures Committee did not agree specific terms of reference to cover the areas of this review, and it had accordingly considered whether any changes to Standing Orders might be required to address the increase in the volume of business considered at States' meetings. The States Business Organisation Sub-Group was established on 20th November 2009 to look into these matters, and it wrote to all States members on 25th November 2009 inviting them to attend hearings in early January to make submissions detailing how the efficiency of States Sittings could be improved. The Chairman of PPC clarified on 8th December 2009 in the States Assembly that the possible areas for review was not exhaustive and any further suggestions on areas they considered should be reviewed were welcomed.

Review

Research

The Sub-Group noted statistics for States meetings in 2009, **Appendix A**, which show very clearly the increase in –

- The number of meeting days;
- Total Sitting hours;
- Oral questions with notice answered during 90 minute/2 hour period;
- Written questions;
- Public Business – number and type of propositions debated;
- Public Business – time spent debating different types of proposition.

It also noted the number of speeches made by members in the Assembly during a sample of 50 debates, which showed an average of 17 speeches per debate (see **Appendix B**). There are a number of actions which it might be possible to take in order to reduce the amount of time spent on Public Business, for example –

- (1) Limit the number of days the States can sit in a given period.
- (2) Limit the amount of business which comes before the States by –
 - (a) setting a maximum number of propositions which can be lodged, allocated by presenter: Ministers/Committees/Scrutiny Panels/individual members; or
 - (b) setting a maximum number of propositions which can be lodged, allocated by type: private members' policy matters/Ministers' policy matters/Scrutiny Panel policy matters/

Regulations/Laws/no confidence/dismissal/censure/legislative Acts/appointments/Standing Orders/property matters.

- (3) Limit the length of debates by –
- (a) allocating a set period of time for all speeches made during items of public business;
 - (b) allocating a set period of time for speeches made during items of public business, in accordance with debate type: private members’ policy matters/Ministers’ policy matters/Scrutiny Panel policy matters/Regulations/Laws/no confidence, etc.;
 - (c) allocating a set period of time for speeches made during items of public business in accordance with the role of the speaker (proposer/Minister, etc.).
 - (d) introducing a method of organising the day’s business in advance, perhaps by sub-committee.

The Sub-Group noted the Standing Orders in other jurisdictions, to compare the rules relating to the asking of questions and the tabling of propositions; and it noted the practices of the following jurisdictions –

- Isle of Man
- UK House of Commons
- Scottish Parliament
- National Assembly for Wales
- Canadian House of Commons
- Australia – House of Representatives.

The States Greffe carried out comparative research into the rules on some areas of business in other jurisdictions. Attached at **Appendix C** are extracts detailing the provisions in the United Kingdom House of Commons, Scottish Parliament, National Assembly for Wales, Canadian House of Commons and House of Representatives in Australia for time limits on speeches.

In all the aforementioned jurisdictions, time limits apply on **speeches** as follows –

Jurisdiction	Time limit available	Time limit set by	Time limit	Time limit extendable
<i>Isle of Man</i>	Only in respect of question time	Standing Order	Tynwald: no questions after 1 p.m. Keys: no questions after 11 a.m.	Tynwald – Yes – as directed by the President by notice. Keys – No
<i>U.K. House of Commons</i>	Yes	Speaker	Specified by Speaker	Yes – from 1 minute to 15 minutes, in accordance with Standing Orders

<i>Scottish Parliament</i>	Yes	Standing Order/ Presiding Officer	Specified by Standing Order (ranging from 3 minutes to 90 minutes) /Presiding Officer	Certain limits in Standing Orders amendable by proposition.
<i>National Assembly for Wales</i>	Yes	Presiding Officer	Specified by Presiding Officer	–
<i>Canadian House of Commons</i>	Yes	Standing Order	20 minutes initially	Yes – from 5 minutes to 10 minutes, in accordance with Standing Orders
<i>Australia – House of Representatives</i>	Yes	Standing Order	No limit in some cases. Limits range from 90 seconds to 30 minutes	Yes – up to 10 minutes

<i>Jersey</i>	No (except for elections to certain positions and answers to a question must be concise)	–	‘Concise’ is interpreted by the Presiding Officer as 90 seconds	–
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In relation to the asking of **questions**, the following limits on the number of questions, the cost of answering written questions and the time allowed to answer oral questions are as follows –

Jurisdiction	Limit on total number of questions	Limit on number of questions per member	Cost limit for the answer of written questions	Time limit for oral questions	Time limit for oral questions extendable
<i>Isle of Man</i>	–	–	None.	Tynwald: No question shall be taken after 1 p.m. on the day of a Sitting. Keys: No question shall be taken after 11 a.m. on the day of a Sitting.	Tynwald: Yes, if the President directs by notice set out on the Question Paper Keys: No.

<i>U.K. House of Commons</i>	The Speaker specifies how many questions are to be printed for each member answering that number are selected at random.	Not more than 5 on any one day.	Dis-proportionate cost limit of £750.	Monday, Tuesday Wednesday and Thursday. No question shall be taken more than 1 hour after the House sits.	Only for questions which have not appeared on the order paper but which are in the Speaker's opinion of an urgent character and relate either to matters of public importance or to the arrangement of business.
<i>Scottish Parliament</i>	<p>General/ Themed Question Time – Members submit their name between 21 and 15 days in advance, and are selected at random. The Presiding Officer will normally select 6 questions for answer at First Minister's Question Time.</p> <p>Any member may lodge an emergency question by 10 a.m. on a day when there is a meeting of Parliament.</p>	<p>Written – There is no limit to the number of written questions that can be lodged by a member.</p> <p>Oral – 10 members for each Question Time. Once a name is selected, it is excluded from any subsequent selections on that day.</p> <p>A member may lodge only one question for answer at any one First Minister's Question Time.</p>	Dis-proportionate cost limit of £600.	Oral questions are answered each week on a Thursday. General Question Time (11.40 a.m. to 12 noon) First Minister's Question Time (12 noon and 12.30 p.m.) and Themed Question Time (2.15 and 2.55 p.m.)	No, answers to oral questions not reached or not asked will appear in the Written Answers Report.

<i>National Assembly for Wales</i>	–	Each member may table no more than 2 oral questions to a particular Welsh Minister or the Counsel General, and no more than one to the First Minister or the Commission, at any plenary meeting.	Dis-proportionate cost limit of £500.	First Minister to answer oral questions for a maximum of 45 minutes once in each week that the Assembly meets. Each Welsh Minister, the Counsel General and the Commission for a maximum of 30 minutes at least once in every 4 weeks that the Assembly meets.	Where any oral question is not reached, the member must receive a written answer on the same day which must be published in the record of proceedings. Questions for which notice was not given may be asked at the end of the period allocated to oral questions if prior notice of at least 2 hours has been given and the Presiding Officer is satisfied that the question is of urgent public importance.
<i>Canadian House of Commons</i>	–	No member shall have more than 4 written questions on the Order Paper at any one time.	None.	The member raising the matter may speak for not more than 4 minutes. A Minister of the Crown or a Parliamentary Secretary may speak for not more than 4 minutes. Following this, the Member, then the Minister or	–

				Parliamentary Secretary may reply for a period of not more than 1 minute. When debate has lasted for a total of 30 minutes the Speaker shall deem the motion to adjourn.	
<i>Australia – House of Representatives</i>	No	–	None.	Begins at 2 p.m. each Sitting day (no limit).	
<i>Jersey</i>	No	5 written questions and 2 oral questions per member. No limit for questions without notice.	None.	Questions with notice – 120 minutes Questions without notice – 30 minutes.	The States may decide to suspend the Standing Orders relating to the time allowed for questions.

The systems under other jurisdictions tend to limit the number of propositions an individual or private member might lodge and this is compared with Jersey as follows –

Jurisdiction	Party political system	Limit on Ministers' propositions	Limit on number of private member propositions	Filter process	Limit on debating time available	Limit on time given for speeches and debate
<i>Isle of Man</i>	Yes	–	No (except Financial Motions)	–	–	–
<i>U.K. House of Commons</i>	Yes	–	Can be brought in 3 ways – by ballot, under the 10 Minute Rule, or by Presentation	Do not have priority over Minister's Bills	Yes	Yes
<i>Scottish Parliament</i>	Yes	Yes	Yes (2 in any session)	A series of stages, during which the Bill may fall	Yes	Yes

<i>National Assembly for Wales</i>	Yes	–	Yes (chosen by ballot)	–	Yes	Yes
<i>Canadian House of Commons</i>	Yes	–	Yes	Yes – random draw of the names of all members of the House. The first 30 names constitute the order of precedence	Yes	Yes
<i>Australia – House of Representatives</i>	Yes	–	Yes	Selected by Whips	Yes	Yes
<i>Jersey</i>	No	No	No	No	No	No

The Greffier made a submission to the Sub-Group, and this is reproduced in full at **Appendix D**. This set out a suggested 3 week cycle as follows –

“If the States were to meet on a three-weekly cycle rather than a fortnightly cycle the Sittings would be concentrated in a certain week and members would have to accept that they would sit for at least three, or possibly four, days in that particular week. There would nevertheless then be a full two week gap between Sittings which would give time to plan other meetings, Scrutiny hearings, etc. during this period. In addition, the Council of Ministers could meet in the first week which would mean that matters such as comments on propositions could be presented much earlier before debates than happens at present when the Council meets only two or three days before the scheduled Sitting. It is also the case at present that meetings are concentrated in the one week between Sittings which can become very congested with numerous Scrutiny hearings, etc. day after day. Because of the pressure members are under at present there is a temptation to book meetings or make other commitments for the continuation Thursday in a States week which can then lead to absence from the Assembly and problems in maintaining a quorum.”

A number of members have expressed the view that this would merit further investigation and possibly a trial to see whether the hoped-for benefits would accrue.

Consultation with States members

Members were invited to submit their comments to the Sub-Group regarding the organisation of States business and its efficiency. The Sub-Group was disappointed that the Chief Minister and one Assistant Minister were the only members of the Executive to take part in the consultation. All submissions have been divided into a series of areas and the number of members who suggested or endorsed possible improvements is also detailed.

Speeches

Members considered that speeches were often long and rambling, and that this should be controlled more strongly by the Chair. It was suggested that members should be provided with training in speech-making and should avoid leaving the Chamber as this often resulted in repetition.

SPEECHES	Suggested/ endorsed by
Introduce a time limit on speeches	6
Reduce the amount of repetition	2
The Chair to be more forthright in preventing repetition	3
Speeches to be short, sharp and concise	2
Chair to be strong and not permit members to ramble	1
Speeches should be accurate and comprehensive to avoid interruption	8
Time members' speeches but don't introduce a time limit	3

One member suggested that a limit of 20 minutes be imposed up the proposer of a proposition; with a limit of no more than 8 minutes for all other speakers¹. Another member had been considering bringing a proposition to the Assembly to limit the length of members' speeches, but had not done so to date due to the ongoing review of the Sub-Group².

A number of those consulted felt that it was up to members themselves to monitor the length and quality of their speeches, and 4 members voiced their opposition to the suggestion that a time limit be imposed. It was considered that time limits for speeches could be appropriate under a party political system, as members could delegate areas to be discussed, however, this was not considered an effective way forward under the present form of ministerial government. It was thought to be the responsibility of members to keep their speeches concise and imposing a time limit was felt to be anti-democratic³. The Assembly could instead adopt the approach employed by the National Assembly for Wales and use a large digital clock to ensure that members were aware of the length of their speeches.

Repetition was another key element to ensuring that speeches did not unnecessarily lengthen the amount of time members spent in the Chamber. It was agreed by many members that rules regarding repetition should be enforced more strongly, but acknowledged that the propensity for members to simply repeat what others had already said was difficult to police. Deputy R.G. Le Hérisssier commented: "*There has been a mechanism to limit debates – the Guillotine – but I have noticed that, when put to the vote, members are increasingly reluctant to apply it.*"⁴ Deputy T.A. Vallois suggested that it was the role of the Privileges and Procedures Committee to address the problem of repetition, as follows –

¹ Correspondence from Connétable K.P. Vibert, dated 9th February 2010.

² Hearing with Deputy A.E. Jeune, 15th March 2010.

³ Hearing with Deputies T. Pitman and S. Pitman on 14th January 2010.

⁴ Correspondence from Deputy R.G. Le Hérisssier, dated 13th January 2010.

“I have concerns that the reason for repetition in speeches is due to the following:

- 1. it is assumed that members have made their minds up before entering the Chamber*
- 2. the collective deserting of members when certain other members stand to present their proposition*
- 3. a lack of respect for all members in that people are more concentrated on what is happening on their blackberries rather than paying attention to the debate at hand.*

Why do I believe this causes repetition? Purely because if there are groups of people within the Chamber that truly believe that the proposition is worth while then they will want to repeat the notion over and over again to ensure they are getting that message across.

There are a number of propositions that have come to the States which I truly believe should have been dealt with by PPC. I think PPC lacks the assertiveness required to address some of these issues.”⁵

Questions

Concise and complete answers to properly researched questions could result in time saved in the Chamber.

QUESTIONS	Suggested/ endorsed by
Ministers to give shorter answers during question time	10
Members to make a direct approach to departments before asking questions in the States	2
Ministers to advise if information requested is available publicly and proffer no further detail	1
Repetition of questions accepted in written form not permitted during oral questions	1
The Dean not be permitted to speak during questions for Ministers without notice as time is limited	1
More time allocated to questioning Ministers without notice	2
Departments to provide information requested by Scrutiny to avoid that information being sought via questions	2
End the ‘move to the next item’ mechanism	1
Decrease question time quorum to 2	2
Fewer written questions should come to each Sitting	1
Move questions to a Monday morning	1
Answers to written questions to be circulated on the Friday or Saturday preceding the States Sitting	1

⁵ Correspondence from Deputy T.A. Vallois, dated 26th January 2010.

Concern was expressed that Ministers were failing to be concise in answering the questions put to them: “...long waffling answers from Ministers are quite clearly aimed at just eating up question time.”⁶ It was also suggested that the answers being provided were not satisfactory: “Answers to questions, propositions, and comments from Ministers frequently have misleading or deliberately incomplete information.”⁷ One member suggested that unhelpful answers to questions had the result of alienating members, and could result in more questions being asked⁸.

The Chief Minister expressed the view that too many unnecessary questions were being asked: “One has to balance the absolute right to ask questions of legitimate public concern with the apparent careless frivolity with which numerous questions seem to be posed simply to ‘keep a Minister on his toes’. I am confident that all Ministers have more than enough at this time to keep them alert, but the need to answer so many questions risks dragging them, and their officers, to their knees rather than keeping them on their toes.”⁹

The suggestion was made by Deputy P.V.F. Le Claire that questions should be put on a Monday morning, separately from the remainder of States’ business. The quorum for such a question time would be 2 members (the questioner and the member answering the question), and, while all members would be welcome to attend and to ask supplementary questions, they would not have a duty to be present unless asking or answering a question. Deputy Le Claire considered that this approach would reduce the number of unnecessary questions being asked in the Assembly. The Deputy also suggested that the answers to written questions should be circulated on the Friday or Saturday preceding the States Sitting in order to allow members more time to digest the information provided.

Propositions

The provision of comprehensive information would help members to make informed decisions in a timely manner.

PROPOSITIONS	Suggested/ endorsed by
Include all relevant supporting information in propositions	8
Allocate a specific time for private members’ propositions	1
Financial and manpower implications to take into account the burden on all departments	1
Include social, environmental and economic implications in reports accompanying propositions	1
Ministers to give accurate and complete answers to questions, propositions and comments	8
Comments and explanations from Ministers should be presented in a timely manner	8
Propositions to be brought by Ministers for debate in a timely manner	8

⁶ Correspondence from Deputy T.M. Pitman, dated 25th November 2010.

⁷ Correspondence from Deputies D.J. De Sousa, S. Pitman, G.P. Southern. F.J. Hill, T.M. Pitman, D.J.A. Wimberley, R.G. Le Hérisssier, and Senator A. Breckon, dated 8th December 2009, page 1.

⁸ Hearing with Deputy P.V.F. Le Claire, 29th April 2010.

⁹ Correspondence from the Chief Minister, dated 27th February 2009, page 2.

Council of Ministers to action commitments and undertakings to avoid members needing to bring further propositions to require this	8
Debate to be robust, evidenced and focused to enable good decision-making	8
Ministers and Chief Officers to give members 6 to 8 weeks' notice for departmental briefings and presentations	1
Members to read propositions in detail prior to entering the Chamber with defects identified in a timely manner in order that adjustments can be made	1
Less time to be spend on private members' propositions which are peripheral and specific to the views of the individual	1
One private member's proposition should be debated per Sitting of the States, selected in the sequence in which they were lodged, by random ballot, or by selection by a body of members	1

Members considered that a lack of information resulted in a longer debate: "A proposition was brought recently by a Minister with no supporting information at all, which resulted in a one and a half hour debate. Ten minutes would have sufficed, if the information had been provided in the first place."¹⁰ Deputy T.M. Pitman commented: "Ministers' reports on important technical areas are little more than one could fit on a postage stamp"¹¹. Concern was also raised that members had no choice but to elongate proceedings due to the information being provided: "Distortions and inaccurate information [are] being used in debates, which forces other members to interrupt for the sake of their reputations or for the sake of the truth."¹²

It was also suggested that members were forced to bring propositions to the States which would not be necessary had the Council of Ministers taken action in respect of previous commitments: "Back-benchers have to bring propositions to force the Council of Ministers to do what they have promised to do, but which somehow never happened."¹³ The 8 States members who wrote collectively to the Sub-Group also advised that propositions were, on occasion, brought by Ministers too late in the day for effective debate, and cited the making of arrangements for Boxing Day in October as one such example.¹⁴

Comments and Amendments

Again, the timely and comprehensive nature of Comments and Amendments was considered essential to enable effective debate.

¹⁰ Correspondence from Deputies D.J. De Sousa, S. Pitman, G.P. Southern. F.J. Hill, T.M. Pitman, D.J.A. Wimberley, R.G. Le Hérisssier, and Senator A. Breckon, dated 8th December 2009, page 1.

¹¹ Correspondence from Deputy T.M. Pitman, dated 25th November 2009.

¹² Correspondence from Deputies D.J. De Sousa, S. Pitman, G.P. Southern. F.J. Hill, T.M. Pitman, D.J.A. Wimberley, R.G. Le Hérisssier, and Senator A. Breckon, dated 8th December 2009, page 2.

¹³ Correspondence from Deputies D.J. De Sousa, S. Pitman, G.P. Southern. F.J. Hill, T.M. Pitman, D.J.A. Wimberley, R.G. Le Hérisssier, and Senator A. Breckon, dated 8th December 2009, page 2.

¹⁴ Correspondence from Deputies D.J. De Sousa, S. Pitman, G.P. Southern. F.J. Hill, T.M. Pitman, D.J.A. Wimberley, R.G. Le Hérisssier, and Senator A. Breckon, dated 8th December 2009, page 2.

COMMENTS ON PROPOSITIONS	Suggested/ endorsed by
Comments and explanations from Ministers should be presented in a timely manner	8

AMENDMENTS	Suggested/ endorsed by
Ministers' amendments to be timely	1
Ministers to accept amendments where possible to avoid unnecessary debate	8

A submission signed by 8 States members commented that debate was being extended by the decision of Ministers not to accept amendments: "*Ministers have refused to accept amendments which are 'no-brainers' resulting in unnecessary debate.*"¹⁵ The untimely nature of comments was also leading to extended debate: "*Comments and explanations from Ministers routinely arrive the day before the debate or on the very day of the debate, clearly obstructing informed debate.*"¹⁶

Reports

Similar comments were received in respect of Reports.

REPORTS	Suggested/ endorsed by
Ministers' reports to be lengthened	1
Ministers' reports to be timely	1
Consultants' reports to be comprehensive and even-handed	8

A collective submission cited bias in reports as a particular problem: "*Reports from consultants purporting to be 'independent' should be comprehensive and even-handed. Instead they are biased towards the required solution.*"¹⁷

Strategic Plan and Business Plan

Members felt that the decision of the Council of Ministers to accept or reject amendments to the Business and Strategic Plans had an impact upon the amount of time spent in the Chamber debating these matters.

STRATEGIC AND BUSINESS PLANS	Suggested/ endorsed by
Less time to be spent on Strategic and Business Plans	1
Plans to be approved at the start of the session and remain in force for its duration	1

¹⁵ Correspondence from Deputies D.J. De Sousa, S. Pitman, G.P. Southern. F.J. Hill, T.M. Pitman, D.J.A. Wimberley, R.G. Le Hérissier, and Senator A. Breckon, dated 8th December 2009, page 2.

¹⁶ Correspondence from Deputies D.J. De Sousa, S. Pitman, G.P. Southern. F.J. Hill, T.M. Pitman, D.J.A. Wimberley, R.G. Le Hérissier, and Senator A. Breckon, dated 8th December 2009, page 2.

¹⁷ Correspondence from Deputies D.J. De Sousa, S. Pitman, G.P. Southern. F.J. Hill, T.M. Pitman, D.J.A. Wimberley, R.G. Le Hérissier, and Senator A. Breckon, dated 8th December 2009, page 2.

Timing of Strategic and Business Plans to be revised	1
More extensive consideration to be given by the Council of Ministers to decisions to accept or reject amendments	3
Ministers to ask members what should be included in the Business Plan in order to prevent issues arising which could have been addressed earlier on in the process	1

Legislative programme

Concern was expressed that too much legislation was being brought to the Assembly, although another member commented that the Chamber should primarily be a seat of legislation. One member suggested that an additional body or Chamber could be introduced to scrutinise and review legislation.

LEGISLATION	Suggested/ endorsed by
Indicative statement to be given before the legislative year of the items intended to bring forward with approximate timings	1
Legislative programme to be 'reined in'	8
The Chamber should primarily be a seat of legislation	1
Introduce an additional body to scrutinise and review legislation	1

Scrutiny

SCRUTINY	Suggested/ endorsed by
Scrutiny not to be perceived as the opposition	1
Name to be changed to Select Committees	1

Information technology

INFORMATION TECHNOLOGY	Suggested/ endorsed by
Use less paper for States business	1
Introduce improved information technology in the Chamber to make documents readily available	1
Prevent members using BlackBerries in the Chamber	2

Behaviour

BEHAVIOUR	Suggested/ endorsed by
PPC to take action over discourteous members who talk over others and leave the Chamber when others speak	1
Strong warning to be given to members regarding insults made in the Chamber	2
The Chair should not solely be relied upon to deal with members' behaviour in the Chamber	2
Members to avoid leaving the Chamber during other members' speeches as this results in repetition	1

Members to receive equal treatment from PPC regarding their behaviour in the Chamber	1
Sanctions available to PPC to be increased to address issues of conduct and behaviour	1

It was considered to be the responsibility of the Privileges and Procedures Committee as well as the Chair to ensure that members' behaviour in the Chamber was kept under control.

*“PPC really should be acting strongly upon the deliberate and quite frankly moronic discourtesy shown to a few backbenchers whenever they rise to speak by people just chatting loudly over them to try and put them off, or disappearing outside for 30 minutes to discuss anything but politics seemingly – only to eventually return to vote ‘contre’ on something then often have not even heard being debated.”*¹⁸

Connétable K.P. Vibert felt members continually failed to adhere to the simplest of rules of conduct such as standing to address the Chair, not moving from their seats when in direct line of the speaker and the Chair and remaining in their seats until the Chair had left the Chamber¹⁹.

Attendance

Low attendance levels were attributed to members' tendency to leave the Chamber due to the length of speeches.

ATTENDANCE	Suggested/ endorsed by
Members to clock in and out of the Assembly	1
PPC to monitor absence from the Chamber	2
States to be video streamed to improve attendance	2
Increase the required number of members for a quorum	1

One member suggested that members should be required to clock in and out and another suggested that States Sittings should be video-streamed in order to encourage members to remain in their seats. Senator B.E. Shenton expressed the view that long speeches were having an impact upon members' attendance at States Sittings: *“Speeches should be short, sharp and concise. There is absolutely no rationale for a long speech that wavers from the point. The Chair needs to be strong. If members continue to abuse the Chamber by wasting other members' time the structure of the Chamber will change. If members believe it is their democratic right to make 3 hour speeches it is the democratic right of others not to listen and leave the Chamber to undertake more productive matters. This is already happening.”*²⁰

¹⁸ Correspondence from Deputy T.M. Pitman, 25th November 2009.

¹⁹ Correspondence from Connétable K.P. Vibert, 9th February 2010.

²⁰ Correspondence from Senator B.E. Shenton, dated 16th February 2010.

Schedule of States meetings

Members normally meet on a constant 2 week cycle with one week spent in the States for a 2 or 3 day meeting and the next week catching up with Scrutiny meetings, Council of Ministers meetings, constituency matters, etc. It was suggested that a 3 week cycle would allow a 2 week gap between Sittings providing members with time to plan other meetings and hearings. Conversely, Deputy P.V.F. Le Claire suggested that the States should meet more frequently with the aim of improving communication between members.

STATES MEETINGS	Suggested/ endorsed by
The States to meet on a 3-weekly cycle rather than fortnightly	4
The States to meet more frequently	1
Assembly matters should be separated from business	1

One member also suggested that the business dealt with by the States should be divided up, and Assembly matters should be dealt with separately: *“The obvious example was the sandwiches debate which should have been decided by PPC.”*²¹

Underlying problems

Overall, a number of members considered that there were underlying problems with the current system which resulted in the difficulties being experienced in respect of the efficient running of States’ business. This included workload, and the amount of time being spent in the States Chamber, and the structure of ministerial government.

Workload and time spent in the States Chamber

*“The view that some States Members are behaving in an irresponsible manner in the States is not just my view, but that of many outside the States with whom I have spoken. It is irresponsible in that it skews the amount of time spent within the States Chamber as compared with the other necessary activities of government. That view is in my opinion supported by the fact that whilst the Assembly is sitting for longer and longer the positive business of the States seems to be advancing more slowly than ever.”*²²

All of those who submitted their comments to the Sub-Group expressed concern regarding the current lack of efficiency in the running of States’ business due to the amount of time spent in the States Chamber, and the standard of debate. The Chief Minister suggested that the best way to improve States performance could be to withdraw radio coverage: *“I sometimes feel that Members speak not to their 52 colleagues but rather to the wider audience listening in. If we fail to improve our performance within the States it may be that the media themselves decide that there is no point in wasting staff time covering us, unless it is to highlight our deficiencies.”*²³

²¹ Correspondence from Connétable D. J. Murphy, dated 1st February 2010.

²² Correspondence from the Chief Minister, Senator T.A. Le Sueur, dated 27th February 2010, page 1.

²³ Correspondence from the Chief Minister, Senator T.A. Le Sueur, dated 27th February 2010, page 2.

Deputy M. Tadier cited the difficulty in allocating sufficient time to each element of the role. *“As a parish Deputy from a semi-urban district, it is currently increasingly difficult to find time to balance the workloads of States, Scrutiny, PPC and constituency work. Invariably, it is the latter which seems to suffer, as time is invariably allocated fairly rigidly to the other areas.”*²⁴ Deputy J.M. Maçon asked that the primary duty of members be examined and defined in order to enable members to identify whether their priority should be work carried out in the States Chamber or other duties²⁵.

Senator Shenton expressed the view that: *“In order to justify a salary bill in excess of £2,000,000, States members consider that more time should be spent in the States Chamber. The quality or importance of debate seems irrelevant to some.”*²⁶

The Chief Minister commented: *“At the end of the day it is up to States Members themselves to ensure that meetings are efficient. It is also up to States Members to ensure that they utilise their time in a productive manner. If Members consider that the present arrangements are acceptable, an increasing number will simply return to the Chamber just to vote.”*²⁷ The Chief Minister also expressed the view that the current situation could not continue: *“I do not feel that a continuation of the existing regime will do other than to deter future able candidates from wishing to put their names forward for election.”*²⁸

Ministerial Government

During the Sub-Group’s review, comparisons were drawn between the current ministerial system of government and the former Committee system. While a diverse group of members would participate in each Committee, it was noted that fewer members were involved in each piece of work under ministerial government. This had resulted in the discussion and information-gathering stages of the Committee system being transported into the States Chamber, with questions, repetition and misunderstanding in the Chamber being perceived as time-wasting. It was accordingly suggested that the design of ministerial government was more suited to a party political structure: *“I feel that a lot of the efficiency is wasted – if you see it as being wasted – in the design of the ministerial structure. Because I feel perhaps it was more designed towards a party-political structure rather than a system where you officially have independent members.”*²⁹

This view was echoed by Senator B.E Shenton: *“Part of the problem is Ministerial Government. This ill-conceived proposal was not intelligently thought through and it has a number of what are likely to be terminal failings. In this case the splitting of the Chamber into the ‘executive’ and the ‘non-executive’ was always going to be adversarial and only an idealistic dreamer would argue otherwise. No doubt we will persist in trying to make this concept work but eventually all the sticking plasters in the world won’t keep it together.”*³⁰ Senator Shenton suggested that the structure of

²⁴ Correspondence from Deputy M. Tadier, dated 1st March 2010.

²⁵ Hearing with Deputy J.M. Maçon, 15th January 2010

²⁶ Correspondence from Senator B.E. Shenton dated 16th February 2010, page 1.

²⁷ Correspondence from Senator B.E. Shenton dated 16th February 2010, page 3

²⁸ Correspondence from the Chief Minister, Senator T.A. Le Sueur, dated 27th February 2010, page 2.

²⁹ Hearing with Deputy J.M. Maçon, 15th January 2010

³⁰ Correspondence from Senator B.E. Shenton dated 16th February 2010, page 3.

Ministerial government was flawed, in that the Chamber was divided, causing unnecessary friction and duplicating both work and costs. *“Consultants are hired by both the Executive and Scrutiny to examine the same policy, Scrutiny members do not feel part of the Government and are frustrated by a lack of power, and the position of Minister lacks the checks and balances necessary for such a powerful role.”*³¹

Problems were also cited in respect of the role of Ministers. *“Because of lack of understanding of their portfolios I do feel that, to a certain extent, Ministers do get led by the nose... I think that perhaps there is a case whereby there’s a perception that Ministers seem to be led by the civil servants and don’t necessarily have as much understanding as they should”*³²

*“When you attain the position of Minister you often rely on the advice of your Chief Officer and feel very isolated if you have concerns regarding their recommendations. There is no one to discuss the matter with, no one to input an alternative view, no one to provide some form of checks and balances. If we had a party system the party would help keep the Minister in line by ensuring that he sticks to agreed policy... By electing independents into the role, in effect a party of one, there is no structure to keep the Minister in line or tie the whole Council of Ministers together,”*³³

Deputy P.V.F. Le Claire considered that the move to Ministerial government had cut off the flow of information and had left some members without a function. He considered that the Council of Ministers did not run on collective responsibility and suggested that a smaller Committee system would have been preferable to the current arrangement, as more members would have been involved in the decision-making process, resulting in fewer questions and greater levels of trust between members.

The Deputy suggested that a 15 minute adjournment should be introduced to allow members to discuss matters arising during States Sitings. Deputy Le Claire also proposed that the number of States members should be reduced.

Senator Shenton suggested that a revised system be introduced as follows –

- Each Minister has a Deputy Minister and 3 Assistant Ministers
- Ministerial Decisions have to be signed by the Minister and at least 2 Assistant Ministers
- Any dissent from signing by any Assistant Minister would have to be reported
- A person may hold a maximum of 2 Assistant Minister positions
- Assistant Ministers may also sit on Scrutiny Panels providing this does not conflict with any Assistant Minister positions held
- Assistant Ministers would not be able to chair Scrutiny Panels or the Public Accounts Committee

³¹ Correspondence from Senator B.E. Shenton dated 21st February 2010, page 1.

³² Hearing with Deputy J. Maçon, 15th January 2010.

³³ Correspondence from Senator B.E. Shenton dated 21st February 2010, page 1.

Findings

The Sub-Group does not consider that making small adjustments around the number of propositions that may be lodged, time limits on speeches, the number of questions – to mention a few items – will make any appreciable difference without looking more deeply at why the increases in questions and individual members' propositions is occurring.

The Sub-Group is of the view that the exclusivity of the ministerial system of government, which provides that only a small number of people have real insight into government, means that most do not have access to the decision-making process or to the information on which it is based. Consequently, contrary to the expectations of the public, few members of the States are able to answer their queries on the many issues that concern them.

The Sub-Group believes that the number of questions has increased so much because members, and Scrutiny, are unable to access the information in a timely fashion, in any other way. In addition, given that many decisions are being made in relation to States activity by just 10 people out of 53 members, asking questions gives an opportunity to members to bring checks and balances to the decisions made and to hold the Ministers to account. The Group felt that Ministers might also be overwhelmed by the amount of business within the department, the complexity and depth of the detail, and, realistically, would be unable to interrogate and verify the draft proposals put to them by officers. Such a situation leads to the supposition that senior civil servants are 'running the show'.

The Sub-Group also considers that the reason why the number of propositions proposed by individual members has increased is because this is the only way in which members are able to influence policy and ensure that their suggestions are adopted, in a climate where Ministers are reluctant to be diverted from their own programmes and plans.

By contrast, in the former Committee system of government, draft policy was thrashed out by up to 7 people on a Committee, and they were able together to think through in more depth all the proposals and recommendations. That element of discussion or even 'thinking aloud', while mulling over the best way forward, has disappeared. Members on a Committee might each have taken an area of specialism from the department, and developed a greater understanding of that area, with the ability to lead discussions on that item. While some Assistant Ministers have specialised areas of responsibility, there is no evidence that this occurs in all departments, and there is still a lot of ground to cover between 2 or 3 members.

The Group is of the view that there are fundamental questions about the ministerial system of government that require review, as the new system of government, which may be good in parts, is not working as a whole as it was intended. Members of the Group received many comments from members, both formally and informally, indicating that the theoretical benefits of the ministerial system as set out by the Clothier Panel were not being realized in practice because many members felt totally unable to make the positive contribution to government in the Island that they had hoped to make when elected. The Sub-Group was particularly struck by the following extract from a submission made by Senator B.E. Shenton –

“When Members are elected they are, in the eyes of the public and themselves, members of Government. They expect to have influence in the decisions of State and the fascinating mixture of political views in the Chamber should provide a diverse and encompassing Government. The weakness of the system is that the Troy rule divides the Chamber, causes unnecessary friction, and duplicates both work and costs. Consultants are hired by both the Executive and Scrutiny to examine the same policy, Scrutiny members do not feel part of the Government and are frustrated by a lack of power, and the position of Minister lacks the checks and balances necessary for such a powerful role.”

The Group does not feel that any amendments to the way States Business is organised would be useful until a review of the current system has been completed. Although some changes, for example limiting the length of speeches, might appear superficially attractive as a way of reducing the amount of time members spend in the Chamber, the Sub-Group believes very strongly that forcing a change of this type through the Assembly against the wishes of a minority would simply exacerbate the current division that is perceived between Ministers and other members and the Sub-Group does not believe that changes of this type would improve the manner in which Jersey is governed.

Recommendation

The Sub-Group accordingly recommends to the Privileges and Procedures Committee that it consider whether to conduct a review into the machinery of government to establish the efficiency of the system and the effects on the conduct of States' business, and if so –

- (a) Whether to conduct a short review so as to be ready before the end of the current term of office;
- (b) Whether to conduct an ‘in depth’ review;
- (c) The membership of any review;
- (d) How to fund and staff the review.

If a review is approved, the Sub-Group recommends that no piece meal amendments to Standing Orders are made in advance of such a group reporting back.

APPENDIX A

STATES ASSEMBLY FOR 2009

1. Number of meeting days

	TOTAL	Ordinary business	Ceremonial, etc.
2000	32	30	2
2001	37	34	3
2002	47	45	2
2003	37	36	1
2004	49	47	2
2005	49	48	1
2006	38	35	3
2007	45	44	1
2008	51	50	1
2009	60	59	0

Note – there is normally a 3 year cycle relating to the number of States days, whereby the year immediately after an election usually has the fewest meeting, steadily increasing to the year of the next election when significant amounts of work are being completed and debated. This trend would indicate that 2009 should have a low number of meetings.

2. Total Sitting hours (including Liberation Day)

2006	191 hours 5 minutes
2007	240 hours 49 minutes
2008	298 hours 50 minutes
2009	351 hours 2 minutes

3. Oral questions with notice answered during 90 minute/2 hour period

	2009	2008
Economic Development	50	13
Chief Minister	46	21
Treasury and Resources	44	22
Home Affairs	40	27
Health and Social Services	36	16
Transport and Technical Services	23	28
Education, Sport and Culture	20	16
Social Security	17	24

Planning and Environment	17	17
Housing	14	10
H.M. Attorney General	13	3
Privileges and Procedures Committee	6	3
Comité des Connétables	6	1
Chairmen's Committee	4	0
Economic Affairs Scrutiny Panel	1	0
Commonwealth Parliamentary Association	0	1
Total	337	202

In addition there were 51 oral questions with notice listed that were not reached during the 90 minute period allocated before September 2009 (no oral questions with notice remained unanswered after the period was increased to 2 hours).

4. Written questions

	2009	2008
Treasury and Resources	65	34
Chief Minister	61	42
Transport and Technical Services	50	23
Social Security	43	28
Health and Social Services	42	18
Economic Development	38	35
Education, Sport and Culture	27	14
Planning and Environment	26	19
Home Affairs	22	23
Housing	14	22
HM Attorney General	13	2
Privileges and Procedures	8	11
Comité des Connétables	7	3
Chairmen's Committee	2	0
Health, Soc. Sec. and Housing Scr. Panel	1	1
Environment Scrutiny Panel	0	2
Public Accounts Committee	0	1
Education and Home Affairs Scr. Panel	0	1
Commonwealth Parliamentary Assoc.	0	1
TOTAL	419	280

5. Public Business – number and type of propositions debated

	2009	2008
Private members' policy matters	44	31
Regulations	39	40
Appointments	32	18
Ministers' policy matters	23	15
Laws	21	45
Legislative Acts (including Appointed Day Acts)	10	13
Standing Orders	3	3
Strategic Plan/Annual Business Plan/Budget	3	2
Scrutiny Panels policy matters	3	1
No confidence/dismissal/censure	1	3
PPC/Comité des Connétables policy matters	1	0
Petitions	1	0
Property matters	0	3
TOTAL	181	174

6. Public Business – time spent debating different types of proposition

	2009		2008	
	Total time	% of total time	Total time	% of total time
Private members' policy matters	106h 46m	39.3%	60h 41m	26.3%
Annual Business Plan/Budget	74h 43m	27.5%	35h 22m	15.3%
Regulations	26h 54m	9.9%	26h 29m	11.5%
Laws	21h 53m	8.1%	39h 55m	17.3%
Ministers' policy matters	16h 13m	6.0%	39h 44m	17.2%
PPC/Comité des Connétables policy matters	7h 39m	2.8%	–	–
Scrutiny Panels policy matters	6h 10m	2.3%	6h 32m	2.8%
Appointments	5h 23m	2.0%	3h 44m	1.6%
No confidence/dismissal/censure	3h 9m	1.2%	10h 44m	4.7%
Standing Orders	1h 52m	0.7%	2h 5m	0.9%
Legislative Acts (including Apptd Day Acts)	0h 39m	0.2%	5h 8m	2.2%
Petitions	0h 6m	0.0%	–	–
Property matters	–	–	0h 5m	0.0%
Total Public Business	271h 27m		230h 29m	

APPENDIX B

The following table shows the number of speeches made in the Assembly during a sample of 50 debates:

	Proposition	Total number of speeches (including rapporteur and debates on amendments)
1.	Strategic Reserve Fund: use for Bank Depositors' Compensation Scheme (P.84/2009)	9
2.	Public Finances (Depositor Compensation) (Jersey) Regulations 200- (P.85/2009)	7
3.	Manual Workers' Joint Council: Membership (P.172/2009)	12
4.	Public Holidays and Bank Holidays: designation of 26th December 2009 (P.173/2009)	24
5.	Draft Gambling Commission (Jersey) Law 200- (P.139/2009)	29
6.	Draft Currency Notes (Variation of Maximum Amount of Issue) (Jersey) Regulations 200- (P.152/2009)	25
7.	Social Security Fund: Research into Alternative Funding Mechanisms (P.153/2009 (re-issue))	8
8.	Channel Islands Lottery: allocation of profits for 2009–2010 (P.155/2009)	9
9.	Ratification of the Agreement for the Exchange of Information – Government of Australia (P.160/2009)	7
10.	Ratification of the Agreement for the Exchange of Information – Government of New Zealand (P.161/2009)	8
11.	Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 4) (Jersey) Regulations 200- (P.162/2009)	2
12.	Draft Digital Switchover (Disclosure of Information) (Jersey) Law 200- (P.165/2009)	29
13.	Draft Proceeds of Crime (Amendment of Schedule 2) (No. 2) (Jersey) Regulations 200- (P.166/2009)	30
14.	Draft Proceeds of Crime (Supervisory Bodies) (Amendment of Law) (No. 2) (Jersey) Regulations 200- (P.167/2009)	3
15.	Draft Foundations (Winding up) (Jersey) Regulations 200- (P.169/2009)	9

16.	Draft Foundations (Mergers) (Jersey) Regulations 200- (P.170/2009)	27
17.	Employment of States of Jersey Employees Law: proposed changes (P.175/2009)	3
18.	Pension Schemes: dealing with the past service liability (P.110/2009)	12
19.	Draft Gambling Commission (Jersey) Law 200- (P.139/2009)	95
20.	Draft Gambling (Gaming and Lotteries) (Amendment No. 15) (Jersey) Regulations 200- (P.140/2009)	33
21.	Draft Gambling (2010 Fees) (Jersey) Regulations (P.141/2009)	36
22.	Young Offenders: naming by the media (P.148/2009)	40
23.	Planning and Building By-laws: provision of disabled toilets/changing rooms (P.168/2009)	14
24.	Provision of States Members' lunches at certain meetings and car parking (P.171/2009)	1
25.	H1N1 Influenza Pandemic Funding: expenditure approval (P.174/2009)	25
26.	Draft Companies (Amendment No. 4) (Jersey) Regulations 200- (P.177/2009)	9
27.	Jersey New Waterworks Company Limited: report of Jersey Competition Regulatory Authority on outsourcing (P.195/2009)	10
28.	Review of the Roles of the Bailiff, Attorney General and Solicitor General: appointment of Chairman and Members (P.196/2009 (re-issue))	6
29.	Budget Statement 2010 (P.179/2009)	125
30.	Draft Finance (2010 Budget) (Jersey) Law 200- (P.180/2009)	7
31.	Draft Income Tax (Amendment No. 34) (Jersey) Law 200- (P.181/2009)	10
32.	Draft Goods and Services Tax (Amendment No. 2) (Jersey) Law 200- (P.182/2009)	6
33.	Draft Goods and Services Tax (Amendment) (Jersey) Regulations 200- (P.183/2009)	5

34.	Draft Taxation (Land Transactions) (Jersey) Law 2009 (Appointed Day) Act 200- (P.158/2009)	3
35.	Draft Taxation (Land Transactions) (Amendment of Law) (Jersey) Regulations 200- (P.159/2009)	10
36.	Draft Tariff of Harbour Dues (P.178/2009)	8
37.	'User Pays' Charges: pathology (P.185/2009)	12
38.	Draft Health Insurance (Medical Benefit) (Amendment No. 2) (Jersey) Regulations 200- (P.184/2009)	4
39.	Rate Appeal Board: appointment of members (P.191/2009)	3
40.	Jersey Police Complaints Authority: appointment of members (P.192/2009)	3
41.	Public Employees Contributory Retirement Scheme Committee of Management: membership (P.199/2009)	3
42.	Jersey Appointments Commission: appointment of Chairman and member (P.200/2009)	1
43.	Draft Gambling (2010 Fees) (Jersey) Regulations 200- (P.141/2009)	24
44.	Plémont Holiday Village: acquisition by the Public (P.144/2009)	34
45.	BlackBerries: costs for Ministers and Assistant Ministers and use in the Assembly (P.186/2009)	23
46.	Fort Regent: establishment of a working group (P.188/2009)	30
47.	Draft Supply of Goods and Services (Jersey) Regulations 200- (P.190/2009)	5
48.	'User Pays' Charges: Immigration fees (P.193/2009)	4
49.	States of Jersey Law: Quorum in the States (P.194/2009)	21
50.	Draft Foundations (Additional Annual Charge) (Jersey) Regulations 200- (P.210/2009)	7
	<i>Average number of speeches per debate:</i>	<i>17.4</i>

APPENDIX C

COMPARISON IN RELATION TO LENGTH OF SPEECHES, TIME LIMITS ON QUESTIONS, AND LODGINGS**Time limits on speeches**

Other jurisdictions

Attached are extracts detailing the provisions in the United Kingdom House of Commons (**Item 1**), the Scottish Parliament (**Item 2**), the National Assembly for Wales (**Item 3**), the Canadian House of Commons (**Item 4**) and the House of Representatives in Australia (**Item 5**) for time limits on speeches.

In all the aforementioned jurisdictions, time limits apply on speeches as follows –

Jurisdiction	Time limit available	Time limit set by	Time limit	Time limit extendable
<i>U.K. House of Commons</i>	Yes	Speaker	Specified by Speaker	Yes – from 1 minute to 15 minutes, in accordance with Standing Orders
<i>Scottish Parliament</i>	Yes	Presiding Officer	Specified by Presiding Officer	Subject not dealt with by Rule on speeches
<i>National Assembly for Wales</i>	Yes	Presiding Officer	Specified by Presiding Officer	Subject not dealt with by Standing Order
<i>Canadian House of Commons</i>	Yes	Standing Order	20 minutes initially	Yes – from 5 minutes to 10 minutes, in accordance with Standing Orders
<i>Australia – House of Representatives</i>	Yes	Standing Order	No limit in some cases. Limits range from 90 seconds to 30 minutes	Yes – up to 10 minutes

Jersey

Under the Standing Orders of the States of Jersey, time limits apply in the following areas –

63 Questions with notice to be answered orally

- (1) *Up to 2 hours shall be allowed during a meeting for questions of which notice has been given to be asked and answered.*

64 Questions without notice to be answered by Ministers

- (1) *Up to 30 minutes shall be allowed during a meeting for members of the States to ask Ministers questions without giving prior notice of the question.*

66 Duration of periods for questions without notice

- (1) *The 1st question period shall be 15 minutes or, if shorter, the time needed for all members of the States wishing to ask a question to have spoken and for those questions to have been answered.*
- (2) *The 2nd question period shall be the balance of the 30 minutes remaining after the conclusion of the 1st question period, or, if shorter, the time needed for all members of the States wishing to ask a question to have spoken and for those questions to have been answered.*

68 Statement on a matter of official responsibility

- (3) *After the member of the States has made the statement, the presiding officer shall allow a period of up to 10 minutes for other members of the States to ask him or her questions regarding the contents of the statement.*

Time limits also apply in respect of the selection process for members of the Executive and Scrutiny.

In respect of the selection of the Chief Minister (Standing Order 116), the presiding officer invites each candidate to speak for up to 10 minutes and, after a candidate has spoken, allows up to 40 minutes for elected members to question the candidate.

In the case of the selection of Ministers (S.O. 117); Chairman of the Privileges and Procedures Committee (S.O. 118) Chairman of the Public Accounts Committee (S.O. 119), Chairman of a Scrutiny Panel (S.O. 120) and President of the Chairmen's Committee (S.O. 121), the presiding officer invites each candidate to speak for up to 10 minutes, and, after a candidate has spoken, allows up to 20 minutes for elected members to question the candidate.

Limited number of propositions

Other jurisdictions

In other jurisdictions where a system of party politics operates, there are, in effect, limits on the number of proposals from individual members which can be considered by parliament.

In the United Kingdom, Canada, and Australia, for example, members are generally limited by the amount of time available for their consideration. In Scotland, members are also limited by the number of Members' Bills they can bring per session (see **Items 6 to 9**).

Jersey

At present there is no limit on the number of propositions a Minister, Committee, Scrutiny Panel or individual member can lodge for debate.

ITEM 1 – United Kingdom House of Commons

42	STANDING ORDERS	
Power of the Speaker to adjourn House or suspend sitting.	46. In case of grave disorder arising in the House the Speaker may, if he thinks it necessary to do so, adjourn the House without putting any question, or suspend the sitting for a time to be named by him.	
Time limits on speeches.	47.—(1) The Speaker may announce that he intends to call Members to speak in a debate, or at certain times during that debate, for no longer than any period he may specify, and he may at any time make subsequent announcements varying the terms of an announcement under this paragraph.	5
	(2) Whenever the Speaker has made an announcement under paragraph (1), he may, subject to paragraph (4), direct any Member (other than a Minister of the Crown, a Member speaking on behalf of the Leader of the Opposition, or not more than one Member nominated by the leader of the second largest opposition party) who has spoken for that period to resume his seat forthwith.	10
	(3) The Speaker may announce, at or before the commencement of any debate (other than a topical debate) in respect of which he has made or intends to make an announcement under paragraph (1) of this order, that speeches by a Minister of the Crown, Members speaking on behalf of the Leader of the Opposition, and not more than one Member nominated by the leader of the second largest opposition party shall be limited to twenty minutes and he may direct any such Member who has spoken for that period to resume his seat forthwith.	15 20
	(4) In relation to any speech, the Speaker shall add to any period specified—	
	(a) under paragraph (1) of this order—	25
	(i) one minute if one intervention is accepted, plus the time taken by that intervention;	

PUBLIC MONEY

30 (ii) two minutes if two or more interventions are accepted, plus the time taken by the first two such interventions;

(b) under paragraph (3) of this order, one minute for each intervention accepted up to a maximum of fifteen minutes.

Public Money

5 48. This House will receive no petition for any sum relating to public service or proceed upon any motion for a grant or charge upon the public revenue, whether payable out of the Consolidated Fund or the National Loans Fund or out of money to be provided by Parliament, or for releasing or compounding any sum of money owing to the Crown, unless recommended from the Crown. Recommendation from Crown required on application relating to public money.

5 49. Any charge upon the public revenue whether payable out of the Consolidated Fund or the National Loans Fund or out of money to be provided by Parliament including any provision for releasing or compounding any sum of money owing to the Crown shall be authorised by resolution of the House. Certain proceedings relating to public money.

5 50.—(1) A bill (other than a bill which is required to be brought in upon a ways and means resolution) the main object of which is the creation of a public charge may either be presented, or brought in upon an order of the House, by a Minister of the Crown, and, in the case of a bill so presented or brought in, the creation of the charge shall not require to be authorised by a resolution of the House until the bill has been read a second time, and after the charge has been so authorised the bill shall be proceeded with in the same manner as a bill which involves a charge that is subsidiary to its main purpose. Procedure upon bills whose main object is to create a charge upon the public revenue.

ITEM 2 – Scottish Parliament**Rule 7.2 Calling speakers and content of speeches**

1. No member except the Presiding Officer may speak unless called upon to do so by the Presiding Officer. In deciding who should be called, the Presiding Officer shall have regard to the nature of the business under consideration. Normally, members shall speak standing at their places and shall address the Presiding Officer.
2. The Presiding Officer may allocate speaking time, whether for proceedings in relation to a particular item of business or for a particular speaker in any proceedings, and may do so whether or not the proceedings have started or the speaker has started to speak. The Presiding Officer may not allocate speaking time in a manner which would disrupt any timetable of business set out in the daily business list.
3. The Presiding Officer may order a member to stop speaking if that member continues to speak beyond any time allocated to him or her or to that item of business (whether by the Presiding Officer or in the daily business list or under these Rules) or if, in the opinion of the Presiding Officer, the member departs from the subject or repeats himself or herself.
4. A speaker may not be interrupted except by the Presiding Officer. The speaker may, however, give way to allow another member to intervene.

ITEM 3 – National Assembly for Wales**STANDING ORDER 8 - Order in Plenary Meetings****Rules of Debate**

- 8.1 Members called by the Presiding Officer to speak must address the chair.
- 8.2 Members may speak in English or Welsh and simultaneous interpretation facilities must be provided for speeches made in Welsh.
- 8.3 The Secretary of State for Wales is entitled to participate in plenary meetings but not to vote. The Presiding Officer may call the Secretary of State to speak in any debate in which the Secretary of State is participating.
- 8.4 Speeches must be relevant to the business before the Assembly, and avoid tedious repetition.
- 8.5 The Presiding Officer may announce a time limit on Members' speeches and may direct a Member who has spoken for too long to stop speaking.
- 8.6 A Member, other than the proposer of a motion or an amendment who is exercising a right of reply, may not speak more than once on any matter except, with leave of the Presiding Officer, for the purpose of briefly explaining some material point of his or her original speech.
- 8.7 A Member who is speaking may allow other Members to intervene for the purposes of clarification before resuming a speech.
- 8.8 A Member may not speak after the proposer of a motion has exercised a right of reply.

Maintenance of Order

- 8.9 The Presiding Officer is to maintain order in plenary meetings and must call to order any Member who:
- (i) is engaging in conduct which would, in the opinion of the Presiding Officer, constitute a criminal offence or contempt of court;
 - (ii) is obstructing the business of the Assembly;
 - (iii) seeks to raise a matter outside the scope of the debate or motion;

ITEM 4 – Canadian House of Commons

Time limit and comments on speeches when Speaker in Chair.	<p>43. (1)(a) Unless otherwise provided in these Standing Orders, when the Speaker is in the Chair, no Member, except the Prime Minister and the Leader of the Opposition, or a Minister moving a government order and the Member speaking in reply immediately after such Minister, shall speak for more than twenty minutes at a time in any debate.</p> <p>(b) Following any speech by the Prime Minister, the Leader of the Opposition, a Minister moving a government order, or the Member speaking in reply immediately after such Minister, and following any twenty-minute speech, a period not exceeding ten minutes shall be made available, if required, to allow Members to ask questions and comment briefly on matters relevant to the speech and to allow responses thereto.</p> <p>(c) Except as provided in Standing Orders 95, 97.1(2)(c)(i) and 126(1)(a), following any ten-minute speech, a period not exceeding five minutes shall be made available, if required, to allow Members to ask questions and comment briefly on matters relevant to the speech and to allow responses thereto</p>
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Chapter 1. Time limits and definitions

Chapter outline

This chapter contains some basic standing orders:

- maximum speaking times for the Chamber and Main Committee,
- definitions used throughout, and
- a statement of how the standing orders apply in proceedings.

Maximum time limits apply when speaking

1 Maximum speaking times

The maximum time limits that apply to debates, speeches and statements are as follows.

<i>subject</i>	<i>time (max)</i>
<i>Address in Reply</i> Each Member	20 mins
<i>Adjournment of the House or Main Committee—to end the sitting</i> Whole debate in House Whole debate in Main Committee Extended debate (if required by Minister to reply etc) Each Member—no extension of time can be granted Member who has already spoken to the motion may speak again for one period if no other Member rises to speak Minister in extension of debate <i>(standing orders 31 (House) and 191 (Main Committee))</i>	30 mins not specified 10 mins 5 mins 5 mins 5 mins

<i>subject</i>	<i>time (max)</i>
<i>Bills—Main Appropriation—second reading</i> Mover Leader of Opposition or Member representing Any other Member	no limit no limit 20 mins
<i>Bills—Other Government—second reading</i> Mover Leader of Opposition or Member representing Any other Member (including Minister at conclusion of debate)	30 mins 30 mins 20 mins
<i>Bills—Private Members' (All)—presentation</i> Presenter <i>(standing order 41)</i>	5 mins
<i>Bills—Private Members' (Government)—second reading</i> Mover Prime Minister or Member representing Leader of Opposition or Member representing Any other Member	30 mins 30 mins 30 mins 20 mins
<i>Bills—Private Members' (Non-Government)—second reading</i> Mover Prime Minister or Member representing Any other Member	30 mins 30 mins 20 mins
<i>Bills—All—consideration in detail</i> <i>Bills—All—consideration of Senate amendments or requests</i> Each Member—unlimited number of periods	5 mins

<i>subject</i>	<i>time (max)</i>
<p><i>Censure of or no confidence in the Government</i> <i>(if accepted by the Government under standing order 48)</i></p> <p>Mover Prime Minister or Minister representing Any other Member</p> <p><i>(if otherwise, e.g. under suspension of standing orders, see Other debates—not otherwise provided for)</i></p>	<p>30 mins 30 mins 20 mins</p>
<p><i>Committee and delegation reports on Mondays</i></p> <p><i>in the House</i> Each Member</p> <p><i>in the Main Committee</i> Each Member</p> <p><i>(standing orders 39, 40, 41A, 192(b))</i></p>	<p>10 mins maximum, as recommended by the whips</p> <p>10 mins maximum, as recommended by the whips</p>
<p><i>Condolence motion</i> Each Member</p> <p><i>(standing order 49)</i></p>	<p>no limit</p>
<p><i>Dissent motion</i></p> <p>Whole debate Mover Seconder Member next speaking Any other Member</p> <p><i>(standing order 87)</i></p>	<p>30 mins 10 mins 5 mins 10 mins 5 mins</p>
<p><i>Elections of Speaker or Deputy Speakers</i> Each Member</p> <p><i>(standing order 11)</i></p>	<p>5 mins</p>
<p><i>Extension of time</i> On motion, determined without debate, a Member may continue a speech interrupted under this standing order, for one period</p>	<p>10 mins, but extension may not exceed half of the original period allotted</p>

<i>subject</i>	<i>time (max)</i>
<i>Grievances</i> Whole debate Each Member <i>(standing order 192B)</i>	1 hour 10 mins
<i>Matter of public importance</i> Whole discussion Proposer Member next speaking Next 2 Members speaking Any other Member <i>(standing order 46)</i>	1 hour 15 mins 15 mins 10 mins each 5 mins
<i>Members' statements in the Main Committee</i> <i>90 second statements</i> Whole period Each Member (but not a Minister or Parliamentary Secretary) <i>(standing order 192A)</i>	15 mins 90 seconds
<i>3 minute constituency statements</i> Whole period Each Member <i>(standing order 193)</i>	30 mins 3 mins
<i>Other debates—not otherwise provided for</i> <i>(e.g. censure of a Minister, reference to committee, approval of public works)</i> Mover of a motion Any other Member	20 mins 15 mins
<i>Other statements—by permission from the Speaker</i> <i>(e.g. adding to answer, personal explanation, privilege)</i> Member	at the discretion of the Speaker
<i>Other statements—by leave of the House</i> <i>(e.g. ministerial statements and responses to them, committee reports)</i> Member	no limit

<i>subject</i>	<i>time (max)</i>
<i>Private Members' business on Mondays</i> Whole debate Each Member <i>(standing orders 41 and 41A)</i>	as recommended by the whips
<i>Suspension of standing or other orders without notice</i> Whole debate Mover Secunder (if any) Member next speaking Any other Member <i>(standing order 47)</i>	25 mins 10 mins 5 mins 10 mins 5 mins
<i>Taxation or duty proposal</i> Mover Leader of Opposition or Member representing Any other Member <i>(standing orders 178 and 179)</i>	20 mins 20 mins 10 mins
<i>Thanks motion</i> Each Member <i>(standing order 49)</i>	no limit
<i>Urgent matters—allotment of time for debate</i> Whole debate Each Member <i>(standing order 84)</i>	20 mins 5 mins

ITEM 6 – United Kingdom House of Commons

Private Members' Bills

1. Private Members' Bills are Public Bills introduced by MPs and Lords who are not government ministers. As with other Public Bills their purpose is to change the law. A minority of Private Members' Bills become law.
2. Like Public Bills, Private Members' Bills can be introduced in either House and must go through the same set stages. However, as less time is allocated to these Bills, it is less likely that they will proceed through all the stages.
3. To introduce a Bill a Member needs to provide its short title (by which it is known) and its long title (which describes briefly what it does). Complete texts are not necessary and some Private Members' Bills are never published in full.
4. There are three ways of introducing Private Members' Bills in the House of Commons: the Ballot, the Ten Minute Rule and Presentation.

The Ballot (Standing Order 14):

5. Ballot Bills have the best chance of becoming law, as they get priority for the limited amount of debating time available (13 Fridays). The names of Members applying for a Bill are drawn in a ballot held at the beginning of the parliamentary year. Normally, the first seven ballot Bills get a day's debate.

Ten Minute Rule (Standing Order 23):

6. Ten Minute Rule Bills are often an opportunity for Members to voice an opinion on a subject or aspect of existing legislation, rather than a serious attempt to get a Bill passed. Members make speeches of no more than 10 minutes outlining their position, which another Member may oppose in a similar short statement.

Presentation (Standing Order 57):

7. Any Member may introduce a Bill in this way as long as he or she has previously given notice of their intention to do so. Members formally introduce the title of the Bill but do not speak in support of it – they rarely become law.

Private Members' Bills from the Lords

8. Private Members' Bills introduced in the Lords go through the same stages as any other Public Bill. Once completed, and if an MP supports the Bill, it continues in the Commons. Lords Private Members' Bills are treated like other Private Members' Bills, but do not have priority over Bills introduced in the Commons. They are therefore unlikely to have much, if any, time devoted to them.

9. Private Bills are usually promoted by organisations, like local authorities or private companies. Private Bills only change the law as it applies to specific individuals or organisations, rather than the general public.
10. Bills can start in either House. The formal stages of Private Bills are broadly the same as Public Bills.
11. Parliament requires that Private Bills are publicised through newspaper adverts, official gazettes of local areas, and in writing to all interested parties. People directly affected by a Private Bill should also be informed.

Hybrid Bills

12. These mix the characteristics of Public and Private Bills. The changes to the law proposed by a Hybrid Bill would affect the general public but would also have a significant impact for specific individuals or groups. The Bills passed concerning the construction of the Channel Tunnel are examples of Hybrid Bills.
13. The Public Bill Offices decide whether a Bill falls into the Hybrid category. Both Houses debate these Bills and they go through a longer parliamentary process than Public Bills.

ITEM 7 – The Scottish Parliament

Members' Bills

1. Any MSP who is not a member of the Executive may seek to introduce a Bill, by one of two ways. The first is by encouraging a committee to make a proposal for a Committee Bill, the other is by proposing a Member's Bill under Rule 9.14. **Members have the right to lodge up to two Members' Bills per session.**
2. The first formal step in introducing a Member's Bill is to lodge a draft proposal for a Bill which consists of the proposed short title and a brief explanation of its proposed purposes. With the proposal must also be lodged either a document consulting on the policy objectives of the draft proposal, or a written statement explaining why the member thinks that a case for the Bill has already been established and that consultation is unnecessary.
3. Standing Orders require consultation to last 12 weeks or more. Where a member lodges a statement of reasons, the committee to which the Parliamentary Bureau refers the proposal has one month to determine whether the statement is adequate justification for not consulting. If the committee decides it is not satisfied with the statement, the proposal will fall unless the member then lodges a consultation document within two months.
4. The next formal step is the member lodging a final proposal for the Bill.

The right to introduce a Member's Bill

5. The final proposal is then published in the Business Bulletin for one month, whilst the consultation summary or statement of reasons is made available via the "Proposals for Members' Bills" page of the Parliament website. During this period, any member may notify support for the proposal, this being recorded in the bulletin. If, at the end of the month, at least 18 other members, drawn from at least half the parties or groups represented on the Parliamentary Bureau, have indicated their support, the member has the right to introduce a Member's Bill. This is unless a Minister has indicated either:
 - that the Executive will introduce legislation to give effect to the proposal within the same session, or
 - that Her Majesty's Government will introduce such legislation within the same or next session.

Introduction of Members' Bills

8. While there is no limit to the number of proposals that each member may lodge (but he or she cannot have more than two – whether draft or final – in progress simultaneously (Rule 9.14.17), the member may only introduce two Members' Bills in any session. This includes any Committee Bills that result from draft proposals submitted by that member (Rule 9.14.2).

Stage 1 of Members' Bills

10. Stage 1 consideration of a Member's Bill is no different to that for an Executive Bill with one important exception. This is that the lead committee has the option, under Rule 9.14.18, of recommending to the Parliament that the general principles be not agreed to, on one of three grounds:
- the consultation on the draft proposal, or the published material referred to in the statement of reasons, does not demonstrate a reasonable case for the policy objectives of the proposal or does not demonstrate that legislation is necessary to realise those objectives;
 - the Bill appears to be clearly outside the Parliament's legislative competence and it is unlikely that this could be rectified by amendment;
 - the Bill has deficiencies of drafting that make it unfit to be passed and which are so serious that they would be difficult or impractical to resolve by amendment at Stage 2 or 3.

If the motion is agreed to, the Bill falls.

Congruence between draft proposal, final proposal, and Bill

12. The Standing Orders require that a member's final proposal must be broadly similar to, but not necessarily the same as, the draft proposal (Rule 9.14.8). By contrast, by the time a final proposal is lodged, the assumption is that the member's policy will be reasonably well developed.

Committee Bills

13. Rule 9.15.4, which allows any MSP to submit a draft proposal for a Committee Bill to the Parliamentary Bureau. This is the mechanism used where the MSP concerned is not a member of a committee within whose remit the Bill would fall. A draft proposal is not printed in the Business Bulletin, but is referred by the Bureau to an appropriate committee. The committee is required to consider a draft proposal referred to it in this way (Rule 9.15.4). In doing so, the committee may (but need not) conduct an inquiry on the merits of the draft proposal before reaching a decision on whether to propose a Bill.

ITEM 8 – Parliament of CanadaPrivate Bills

1. Private bills are considered during the time provided for Private Members' Business.
2. Private Members are generally defined as Members of the House of Commons who are not part of the Ministry. Each sitting day, one hour is set aside for Private Members' Business, that is, for the consideration of bills and motions presented and sponsored by private Members. Private Members may use the time allotted for the consideration of Private Members' Business to put forth their own legislative and policy proposals, and express their views on a variety of issues. Private Members' proposals can take the form of a bill (either public or private), a motion, or a notice of motion for the production of papers.
3. A private Member's bill is the text of a legislative initiative sponsored by a private Member. Based on private Members' own ideas and drafted with the aid of legislative counsel, such bills are brought forward by the sponsoring Member. Like government bills, private Members' bills become statutes once they receive Royal Assent. Most private Members' bills are public bills originating in the Commons, but some public bills, and occasionally private bills, sponsored by private Members come to the Commons from the Senate.
4. A private Member's motion typically proposes that the House declare its opinion on some topic or that the House order a certain course of action to be taken, either by the House itself, or by one of its committees or officers.

ITEM 9 – Australia

1. For the purposes of private Members' business in the House of Representatives, a private Member is defined as any Member of the House other than the Prime Minister, the Speaker, a Minister or Parliamentary Secretary.
2. About one third of the House's time is spent on matters raised by private Members, parliamentary committee business and other matters not sponsored by the Government.

Private Members' Mondays

3. Each sitting Monday, time is allocated for non-government business in both the House and Main Committee (the House's second debating chamber). The sequence of business in the House is as follows:

Petitions
Committee and delegation reports and
Private Members' business (bills and motions).

4. In the Main Committee the sequence is:

90 second statements
Committee and delegation reports
Private Members' business and
Grievance debate.

Petitions

5. Petitions lodged for presentation to the House are presented on Mondays. The announcement gives a brief summary of the action sought and of the number of petitioners. The time taken for this announcement is between about five and ten minutes. Petitions may also be presented by a Member during Members' statements in the Main Committee (Mondays, Wednesdays and Thursdays), adjournment debates in the House (each sitting day) or the Main Committee (Thursdays), and during the grievance debate on Mondays in the Main Committee.
6. Members who present petitions in person may take the opportunity to discuss them in the time allowed for the statement or adjournment debate. The Petitions Committee responds to petitions on behalf of the House whether they are presented during the period allocated for the purpose on Monday or by a Member during statements, adjournment debates or grievance debate.

Committee and delegation reports

7. The period from 8.40 p.m. to 9.30 p.m. on Mondays is reserved for presentation and debate on reports of parliamentary committees and delegations on which private Members serve. Statements on reports are also made in the Main Committee on Mondays from 6.55 p.m. until 8.30 p.m. and on Wednesdays and Thursdays as arranged by the Whips. The objective of all

committee inquiries is the presentation of a report to the House, setting out the committee's conclusions and recommendations.

8. Reports may be presented by a member of the committee or by the Speaker on behalf of the committee. Reports are also presented from delegations of Members who have taken part in fact-finding visits overseas or who have attended parliamentary conferences. The Member presenting a report and other Members may make statements about it. The Member presenting the report may also move a motion in connection with it, for example, 'that the House take note of the report'. Debate on the motion is normally adjourned until a future day and the resumption of debate is usually in the Main Committee. Following the presentation of reports proceedings may be resumed on reports presented on an earlier occasion.
9. The Chief Government Whip and the Chief Opposition Whip decide the order of presentation and allot time for the consideration of committee and delegation reports.

Private Members' business

10. After the presentation of committee and delegation reports in the House on Mondays debate takes place on private Members' business, that is, bills and motions sponsored by private Members. Debate on private Members' business also takes place in the Main Committee on Mondays following debate on committee reports.
11. A private Member wishing to move a motion or introduce a bill gives notice in writing to the Clerk. Those not selected by the Whips for debate within eight sitting weeks are dropped from the Notice Paper.
12. The arrangement of private Members' business is the responsibility of the Whips. When the House is sitting the Whips meet to look at the notices lodged by private Members. They then report to the House, listing the matters recommended for debate on the Monday. The Whips ensure that all Members have a fair chance of having matters debated and also take into account the nature of the subject, for example, its importance and topicality.

Private Members' motions

13. Private Members' motions are generally used as a vehicle for debating an issue rather than to commit the House to an opinion or bind it to action, so the majority of motions considered as private Members' business are not voted on. At the end of the time allotted they are placed on the Notice Paper for a subsequent private Members' Monday.

Private Members' bills

14. The introduction of a private Members' bill is given priority over other private Members' business. When the notice for a private Members' bill is called on by the Clerk, the Member presents the bill and may speak in support of it for up to five minutes. It is then read a first time, the second reading of the bill automatically becoming an eligible item of business for the next Monday in

the House or Main Committee. The Whips may allocate time for debate on the principles of the bill (second reading debate). If the second reading is agreed to by the House, further consideration of the bill takes precedence over other private Members' business.

15. Under the procedures of the House, private Members have great freedom in the introduction of bills, with the important exception that only the Government may initiate a bill imposing or varying a tax or requiring the appropriation of revenue or money. Private Members' bills are unlikely to become law unless they gain the support of the Government. Since they are prepared either by an opposition Member or by a government Member outside the party's formalised approval mechanisms this does not happen often.
16. Procedures in operation since 1988 have seen an increase in the number of private Members' bills although bills initiated by private Members are still a small proportion of legislation dealt with by the House. Between 1901 and 1988, 103 private Members' bills were introduced into the House – by September 2007 this figure had risen to 313. Since Federation only 19 non-government bills have passed into law – 15 introduced by private Members or private Senators and four by the Speaker.

Members' statements in the Main Committee

17. Members may make short statements in the Main Committee on Mondays, Wednesdays and Thursdays. On Mondays, 15 minutes are allocated (6.40 p.m. to 6.55 p.m.) for any Member other than a Minister or a Parliamentary Secretary to seek the call of the Chair to make a statement of up to 90 seconds in duration. The call is alternated between non-government and government Members. If no other Member seeks to speak, a Member who has already spoken may make up to two additional statements. Members may make statements on any topic of concern to them. They may also use the occasion to present a petition.
18. A similar opportunity occurs on Tuesdays (if the Main Committee is sitting), Wednesdays and Thursdays except that the period for constituency statements is 30 minutes, individual statements may be up to three minutes long and all Members are able to participate. 30 minutes is allocated irrespective of any interruptions caused by suspensions or by divisions in the House.

Grievance debate

19. At 8.30 p.m. in the Main Committee on Mondays the Chair proposes the question 'That grievances be noted'. Debate on the question is practically unlimited in scope, giving Members the opportunity, in 10 minute speeches, to raise matters in which they have a particular interest or to discuss complaints of constituents. It would be unusual for two or more Members participating in the debate to speak on the same subject. Members may present petitions during the grievance debate and may also speak about the petition for all or part of their 10 minute speech.

APPENDIX D

States of Jersey
States Assembly



États de Jersey
Assemblée des États

MEMORANDUM

<p>TO: Chairman and members of the States Business Organisation Sub-Group</p>	<p>FROM: Greffier of the States</p>
<p>cc: Deputy Greffier of the States Assistant Greffier of the States Anna Heuston, Committee Clerk</p>	<p>Our Ref: 465/1(136)</p>

SCHEDULE OF STATES MEETINGS

22nd February 2010

It may appear somewhat unusual for me to be making a submission to your Sub-Group as I have attended your meetings and assisted your review but I have a suggestion for your consideration that I believe it is appropriate to bring to your attention. I do hope that I do not inadvertently tread on any matters that are more properly for political consideration in making this suggestion.

I note that your review has already identified that many of the issues you are considering are interrelated and there is clearly no easy solution to the matters you are dealing with that will be acceptable to all States members. I would offer the view that what everyone is seeking is a way to improve the efficiency of what might be described as the overall 'government machine' in Jersey. I would include in that definition the meetings of the States Assembly itself, the meetings and operation of the Council of Ministers, work undertaken by Ministers, the work of Scrutiny Panels and the Public Accounts Committee and just as importantly the work that individual members do in their own right. This could include their constituency work, general research and other matters such as lodging propositions for debate. I believe it is therefore important that any proposals to 'increase efficiency' in the Assembly are designed so that they lead to an improvement in the performance of the whole operation of the 'government machine' in Jersey. I appreciate that your Sub-Group is only looking at the efficiency of the work of the Assembly itself and cannot consider wider machinery of government issues and I am simply drawing attention to the many other responsibilities that members have in order to point out that a correct balance needs to be found between members' work in the Assembly and their other duties.

I am aware that your Sub-Group has received some submissions to the effect that time limits should be put on speeches or on debates, that there should perhaps be limits on the number of propositions that could be lodged by any one member or that propositions should have a certain degree of support before being able to be lodged. I

do not think it would be appropriate for me to enter the debate on whether or not any of these suggestions are desirable as I believe that it should be a matter for political decision alone. I am nevertheless sure that your Sub-Group is alert to the need not to aggravate any perceived split between executive and non executive members and I am sure that your recommendations will take account of that.

The matter that I wish to raise with you concerns the scheduling of States meetings during the year. As you know the States currently meet on what is generally a fortnightly cycle throughout certain periods of the year working around school holidays and other matters such as Bank Holidays which sometimes mean that there is a longer or shorter gap between meetings than the standard two week cycle. In 2010 there are 20 scheduled meetings within this cycle.

The perception I have had during the last few months is that members and officers have found themselves on what could be described as a 'treadmill' during each parliamentary session. By coincidence I began preparing this submission during a period which was part of a three week gap between the Sittings of 2nd February and 23rd February caused by the half term break last week. I have found that the last 2 weeks have had a very different 'feel' to them when compared to a normal gap between States Sittings and members and officers have also commented on this to me too. Members are normally on a constant two week cycle with one week spent in the States for a two or three day meeting and the next week catching up with Scrutiny meetings, Council of Ministers meetings, constituency matters, etc. As officers here in the States Greffe we find the week between States meetings taken up with finalising the Minutes and Hansard from the previous week whilst spending Monday dealing with written questions and Thursday with oral questions and the Order Paper for the following week, not to mention the ongoing work of dealing with propositions, reports, etc.

I am constantly hearing from many members that they are so busy that they feel they are neglecting some aspects of their duties. This has led me to consider whether a different cycle of States meetings would be of benefit to all. Moving to a monthly cycle as happens in Guernsey would almost certainly be too great a change to suggest and there would not be enough days to meet the expected Sitting days if recent trends are continued. I therefore considered whether a three week cycle of meetings would be a possibility.

If the States were to meet on a three-weekly cycle rather than a fortnightly cycle the Sittings would be concentrated in a certain week and members would have to accept that they would sit for at least three, or possibly four, days in that particular week. There would nevertheless then be a full two week gap between Sittings which would give time to plan other meetings, Scrutiny hearings, etc. during this period. In addition, the Council of Ministers could meet in the first week which would mean that matters such as comments on propositions could be presented much earlier before debates than happens at present when the Council meets only two or three days before the scheduled Sitting. It is also the case at present that meetings are concentrated in the one week between Sittings which can become very congested with numerous Scrutiny hearings, etc. day after day. I think it is probably also fair to say that because of the pressure members are under at present there is a temptation to book meetings or make other commitments for the continuation Thursday in a States week which can then lead to absence from the Assembly and problems in maintaining a quorum.

I fully accept that no suggestion is without disadvantages and it is only fair to point out some of the disadvantages that would arise from moving to a three week cycle. I attach a possible schedule for 2010 to illustrate how a three-weekly cycle could operate although I accept that it is probably too late to make the change for this year even if the suggestion were adopted. The schedule attached at the appendix shows that some 16 Sittings could be fitted into the year on a three week cycle with, occasionally, a fortnightly gap to work around holiday periods such as Easter and Christmas.

It is clearly important that all members should have a regular opportunity to question Ministers, for Ministers to make statements and for occasional urgent debates to take place at a relatively short notice. It is nevertheless worth setting this need against the current annual schedule where the first Sitting of 2010 on 19th January was six weeks after the last meeting of 2009. The forthcoming Easter recess will be four weeks long and there is a planned summer recess from July 20th to September 14th, a period of eight weeks. There will then be a further period of six weeks after the last December Sitting before the start of the 2011 meetings under the current system. As a result it could be said that the current system provides regular fortnightly occasions for questions and other business during the sessions but there are long periods of the year with no opportunity for members to hold Ministers to account in the Assembly unless a meeting of the States is requisitioned for a particular item of business. Although the current periods of recess are no doubt appreciated by all it could be argued that they are somewhat unduly long. There are few other fields of employment or activity with such long breaks and it is interesting to compare the length of States recesses with, for example, the normal school holidays.

In order to offset the slightly longer gap between meetings with a three week schedule the attached list shows a slightly earlier start in January, a one week reduction in the summer recess (by starting earlier in September) and a slightly later finish in December. The schedule still manages to avoid school holiday periods when it has become accepted that the States do not usually meet.

One legitimate concern that could be raised with a revised schedule is the loss of four scheduled meetings each year with the move from 20 Sittings (plus continuation days) to only 16 Sittings (plus continuation days). This could, theoretically, without further changes, lead to a reduction in the number of opportunities for questions to Ministers and it may therefore be necessary to look at some mechanism to offset this such as offering more opportunities for questions during the 16 meetings. It could be argued that it would be useful for the Chief Minister, for example, to answer questions without notice at every single meeting so that he or she was available to do this on a three-weekly cycle rather than the current monthly cycle. I would suggest that if this change were made it would be sensible to add this as an additional question session thereby allowing the questions without notice rota to involve two other Ministers at every Sitting in addition to the Chief Minister.

I put forward this suggestion without going into particular detail on how a revised system could actually work. If your Sub-Group believes the suggestion is worthy of further consideration the actual schedule would need to be discussed and finalised. Due account would need to be given, for example, to the possible need for an extra meeting in September for the Annual Business Plan. The draft suggestion attached at the appendix shows the possibility of four-day Sittings in every States week which would give a potential maximum of 64 Sitting days in the year. (Although in the 2010 example one of these days is lost for Good Friday). In light of past experience this is

probably too many, although restricting the schedule to only three days for each of the 16 Sittings would only give a maximum of 48 days per year. There may be compromise solutions such as starting each meeting at lunchtime on, say, a Monday for questions and statements with three days then following for other business. This would give an equivalent of 56 full days per year.

I believe it would be important if the structure were revised to expect a total commitment from Ministers and other members to keep the States meeting week free of all other meetings and commitments and this would presumably be easier for all concerned if it was known that there was a full fortnight for such meetings before the next Sitting.

Meetings of the Assembly are often quite rightly described as the most important part of the responsibilities of all members and I am sure that no-one would deny that this is in fact the case. I believe it is nevertheless important to recognise that members have many other very important duties as part of their role and I believe that a three week cycle might just assist all members to find an appropriate balance between, meetings of the Assembly and other responsibilities.

I do not believe that it would be appropriate for me as Greffier to make this submission to your Sub-Group without making this submission more widely available to other members and I am therefore circulating it to all members at the same time as making the submission to you. I would reiterate that this is nothing more than a suggestion in an attempt to stimulate discussion and I fully appreciate that the suggestion may be politically unacceptable to some members. I do trust that I have not inadvertently entered political territory in bringing forward this suggestion.

2010 States Meetings 3-weekly cycle example – School Holidays in **Yellow** States meetings in **Green** (States days during holidays shown in **green/yellow split**)

2010	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T		
January					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				
February	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28											
March	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31								
April				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30						
May						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
June		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30								
July				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31					
August							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
September			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30							
October					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31				
November	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30									
December			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						