

PRIVILEGES AND PROCEDURES COMMITTEE

(43rd Meeting)

28th April 2005PART A

All members were present.

Deputy R.G. Le Hérisssier  
 Senator P.V.F. Le Claire  
 Connétable D.F. Gray  
 Deputy P.N. Troy  
 Deputy C.J. Scott Warren  
 Deputy J-A. Bridge  
 Deputy J.A. Bernstein

In attendance -

M.N. de la Haye, Greffier of the States  
 I. Clarkson, Committee Clerk

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

- Minutes. A1. The Minutes of the meetings held on 7th April (Parts A and B) and 12th April 2005 (Parts A and B), having been circulated previously, were taken as read and were confirmed.
- Matters arising. A2. The Committee noted the following matters arising from its previous Minutes -
- (a) **Act No. A3 of 7th April 2005 – Ombudsman** – the Committee instructed the Committee Clerk to seek clarification from the Jersey Financial Services Commission regarding the status of any proposals for a financial services ombudsman scheme;
  - (b) **Act No. A4 of 12th April 2005 – Code of Practice on Public Access to Official Information: Annual Report 2004** – the Committee was advised that enquiries with the Health and Social Services Department had revealed that there was no evidence of a failure to comply with the Code of Practice. There had simply been a degree of confusion as to whether requests submitted to individual departments were to be processed under the Code of Practice or under data protection legislation.
- Public elections: A3. The Committee recalled with concern figures produced in 2004 by the voter registration campaign. Statistics Unit for the former Special Committee on the Composition and Election of the States Assembly, which suggested that almost 20,000 eligible residents had failed to have their names included on the Electoral Register. It considered that the aforementioned figure was far too high and should be addressed prior to the forthcoming elections.
- 1148(41)  
 Clerk

G.O.S.  
P.R.C.C.  
P.R.E.O.

The Committee received an oral briefing from Deputy R.G. Le Hérisier and Deputy P.N. Troy in connexion with the matter of an advertising campaign concerned with voter registration. It was reported that, on Wednesday 27th April 2005, Deputy R.G. Le Hérisier and Deputy P.N. Troy had attended a presentation given by White Knight Public Relations. The company concerned was understood to have produced an advertising campaign for the States of Guernsey in the run up to their 2004 elections. Although the said campaign had coincided with the introduction of their new system of government, which might well have created additional public interest in the election process, it was understood that registration rates in Guernsey increased markedly during the course of the White Knight campaign. The company had indicated that it could adapt existing advertising material for a similar campaign in Jersey and that the overall cost of such a campaign in Jersey would be significantly lower than that which was charged to the States of Guernsey.

The Committee acknowledged that responsibility for the election process was shared between a variety of bodies, including the Parishes, the Jurats and the Judicial Greffe, and that the Committee had yet to formally assume political responsibility for the Public Elections (Jersey) Law 2002. It further acknowledged that any decision to employ a company to produce such a campaign would generate a corresponding need for an equitable tender process. As an alternative, the Committee recalled that the Communications Unit within the Policy and Resources Department, which had been established to assist all Committees of the States, might be able offer both the capacity and the expertise to assist in this regard. Moreover, the Committee considered that a campaign might include a second phase, scheduled to take place in the autumn, with the aim of increasing actual voter turnout.

**The Committee agreed that the President would write to the Communications Consultant seeking advice as to whether the Communications Unit had the capacity to assist with a voter registration campaign.**

The Committee Clerk was instructed to take the necessary action.

The Greffier of the States was requested to send a copy of this Act to the Policy and Resources Committee for information purposes.

Data Protection:  
briefing.  
939/1(61)

A4. The Committee, with reference to its Act No. A7 of 3rd June 2004, recalled that the Data Protection Registrar had recently run several seminars for States Members on data protection legislation and that revised guidance notes for Members, incorporating advice on parliamentary privilege and limitations on the distribution of information for Committee purposes, were to be produced.

Clerk  
D.P.R.  
G.O.S.

The Committee welcomed Mrs. E. Martins, Data Protection Registrar.

The Data Protection Registrar advised that her office had recently carried out a consultation exercise on the draft Data Protection (Elected Representatives) (Jersey) Regulations 200- and other items of draft subordinate legislation arising from the Data Protection (Jersey) Law 2005. Responses had been received from several sources, including the Law Society of Jersey and a law firm which did not wish its name to be released, which indicated that there was genuine concern as to whether all States Members were fully aware of their responsibilities under existing legislation. The Data Protection Registrar explained that she had some sympathy with this view and was therefore considering whether or not to recommend to the Finance and Economics Committee that it should invite the Assembly to approve the aforementioned Regulations. Moreover, she submitted that there was a clear need to include guidance notes on data protection issues either within the Members'

Handbook or within the Code of Conduct for Elected Members.

**The Committee clarified that it had not been made aware of the existence of the draft Data Protection (Elected Representatives) (Jersey) Regulations 200- and it invited the Data Protection Registrar to submit the draft Regulations to the Committee for consideration, together with a report outlining the concerns raised by consultees.**

With regard to the general issue of Members' responsibilities under data protection legislation, the Committee agreed that it would be beneficial to include appropriate guidance notes within the Members' Handbook. The inclusion of specific provisions within the Code of Conduct was thought likely to give rise to confusion as to whether a potential breach of data protection legislation was a criminal matter or one for the Assembly to address. Notwithstanding the foregoing, the Committee considered that the matter of when parliamentary privilege and public interest took precedence over data protection principles had yet to be clarified. It also noted that there was genuine confusion as to whether an e-mail sent to 53 States Members could or should be considered confidential. **It therefore agreed that it would be premature to sanction the inclusion of data protection guidance notes within the Members' Handbook until such time as the foregoing issues had been clarified.**

The President agreed to write to the Data Protection Registrar outlining the Committee's position.

The Committee Clerk was instructed to take the necessary action.

Public Elections  
(Jersey) Law  
2002:  
amendments  
regarding  
proposals for  
change.  
424/2(13)  
424/2(27)

A5. The Committee, with reference to its Act No. A11 of 12th April 2005, recalled that it had requested clarification from the officers of the Judicial Greffe as to the level of vulnerability of the existing postal voting system to fraud. It further recalled that, on 19th April 2005 and during the course of oral question put by Deputy M.F. Dubras of St. Lawrence, several Members had expressed reservations in connexion with the proposals to relax the rules on access to a postal vote.

The Committee received a report, dated 22nd April 2005, from the Greffier of the States, in connexion with reform of the Public Elections (Jersey) Law 2002, together with corresponding legal advice from the Law Officers' Department.

Clerk  
G.O.S.  
L.D.  
C.des C.

The Committee welcomed Deputy M.F. Dubras of St. Lawrence.

Deputy M.F. Dubras submitted that removing the requirement to provide a specified reason for requesting a postal vote in the absence of additional measures to help ensure the privacy of a postal vote might compromise the integrity of the postal voting system. He also urged the Committee to reconsider its plan to put back the opening time for polling stations to 10.00 a.m. on the grounds that a turnout during the 2002 Senatorial Elections of 12 per cent between 8.00 a.m. and 10.00 a.m. was relatively significant and that there had been too few elections since the introduction of the 8.00 a.m. start to allow for an effective analysis of the effect of the revised opening hours on voter turnout. Further to the foregoing, he requested that the Committee give consideration to improving pre-polling facilities for voters in the forthcoming election of Senators, perhaps by setting up pre-polling stations in several supermarkets. Finally, he invited the Committee to clarify whether students might be entitled to apply for a postal vote several months prior to the date of an election, so as to reduce the likelihood that delays in the postal system would cause problems for voters studying abroad.

Deputy J-A Bridge concurred with the views expressed by Deputy Dubras on polling

station opening times and further suggested that the Judicial Greffe might wish to consider locating portable accommodation in the Royal Square for the purposes of advertising the postal and pre-poll voting facility and processing applications.

**The Committee agreed to defer its recommendation that polling station opening times should be amended, so as to allow for further analysis of voter turnout during the 2005 elections. It further instructed the Committee Clerk to liaise with officers of the Judicial Greffe with a view to establishing whether the remaining proposals put forward by Deputy Dubras and Deputy J-A. Bridge were viable.**

Standing Orders  
of the States of  
Jersey:  
declaration and  
registration of  
Members'  
interests.  
1240/4(171)  
1240/4/2(2)

A6. The Committee, with reference to its Act No. A8 of 12th April 2005, received the recommendations of the Code of Conduct Working Party in connexion with the declaration and registration of Members' interests.

The Committee noted that a variety of reforms had been proposed, based primarily on practice in the United Kingdom House of Commons and the Scottish Parliament. It further noted that the Working Party had recommended publication of the Register on the Web site of the States Assembly.

**The Committee deferred consideration of the matter to its next meeting.**

Clerk  
G.O.S.  
L.D.

States Members'  
remuneration.  
1240/3(76)

A7. The Committee received a report, dated 22nd April 2005, prepared by the Greffier of the States, in connexion with the work of the States Members' Remuneration Review Body.

The Committee was advised that the Remuneration Review Body would need shortly to commence work on its recommendations concerning Members' remuneration for 2006.

**The Committee decided to invite members of the Remuneration Review Body to attend its meeting on 19th May.**

On a related matter, the Committee acknowledged that it had received several representations from Members concerning the possible introduction of severance pay and pension schemes. **It agreed to discuss the aforementioned matters with the Remuneration Review Body at its next meeting.**

Date of next  
meeting.

A8. The Committee agreed to meet at 2.00 p.m. on Tuesday 3rd May 2005 in order to consider the remaining items on its agenda for 28th April.