

PRIVILEGES AND PROCEDURES COMMITTEE

(41st Meeting)

20th November 2009PART A

All members were present, with the exception of Deputy J.A. Martin and Deputy M. Tadier, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
 Senator B.I. Le Marquand (not present for the conclusion of item No. A3,
 and item Nos. A4 to A11 inclusive)
 Deputy J.B. Fox
 Deputy C.H. Egré
 Deputy M.R. Higgins

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 Mrs. D. Abbot-McGuire, Finance and Administration Manager (item No. A2
 only)
 Miss A-C. Heuston, Clerk to the Privileges and Procedures Committee

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

- Minutes. A1. The Minutes of the meetings of 9th October 2009 (Parts A and B); 14th October 2009 (Part A only) and 22nd October (Part A only), having been previously circulated, were taken as read and were confirmed.
- States Assembly
3rd Quarter
Report.
422/10/1(80) A2. The Committee received the States Assembly 3rd quarter 2009 financial report, and welcomed Mrs. D. Abbot-McGuire, Finance and Administration Manager.
- The Committee noted the predicted under-spend of £297,964 for 2009. It was also noted that improvements to the public gallery in the States Chamber had resulted in a predicted overspend of £16,802 on Members' facilities.
- The Committee requested a breakdown of the figures detailed in the report and Mrs. Abbot-McGuire agreed to circulate the information requested to the Committee in early course.** The Chairman thanked Mrs. Abbot-McGuire for her attendance, and she withdrew from the meeting.
- Efficiency during
States sittings.
465/1(136) A3. The Committee received a report in connexion with efficiency during States sittings, as well as correspondence from the Chief Minister, dated 26th October 2009, concerning minimum lodging periods for propositions.
- The Committee considered the Chief Minister's request that an amendment to Standing Orders be lodged '*au Greffe*' seeking to extend the minimum lodging period for private members' propositions from 2 weeks to 4 or 6 weeks. It was agreed

that the question of lodging periods for individual members formed part of a larger body of work which would be required in order to improve the overall efficiency of States sittings.

It was agreed that a States Business Organisation Sub-group should be established to consider efficiency. Of those present at the meeting, Connétable J. Gallichan of St. Mary, Deputy C.H. Egré and Deputy J.B. Fox volunteered for membership of the sub-group, and other members with other commitments agreed to attend meetings whenever available to do so. It was agreed that the following areas would be among those examined by the sub-group:

- (a) minimum lodging periods, in particular the two week lodging period;
- (b) length of speeches;
- (c) length of debates;
- (d) programming and timetabling of public business;
- (e) the number of propositions and amendments being lodged for debate;
- (f) members' ability to give full and effective consideration and responses to propositions and amendments;
- (g) the possible introduction of a mechanism for gauging support before lodging propositions;
- (h) content of speeches, repetition, interruptions; and
- (i) the order of business on States days.

It was also agreed that States members should be invited to attend hearings between 11th and 15th January 2010 to give their views and suggestions as to how efficiency could be improved.

The Committee noted time limits on speeches and limits on the number of propositions lodged by individual members in other jurisdictions. Deputy Higgins advised that he considered time limits on speeches to be anti-democratic, and would not support such a move. The Committee discussed the number of propositions lodged '*au Greffe*' and the number of States sittings per annum, and noted that there had been a 22 per cent increase in the number of projets from 2007 to 2008. The Committee discussed the function of the Committee system of government in comparison with the Ministerial system and considered that an investigation could be undertaken to compare the two.

Meanwhile, it was agreed that the Chairman would work pro-actively with the Greffier to order business more effectively in accordance with Standing Order 31(3). The Committee also agreed that a standard format should be developed for all reports accompanying legislative propositions.

It was agreed that an invitation should be extended to all States members to attend the hearings in January 2010. The Chairman was also requested to write to the Chief Minister to advise him of the Committee's decision.

Blackberries:

A4. The Committee considered the proposition entitled, 'Blackberries: costs for

costs for Ministers and Assistant Ministers and use in the Assembly (P.186/2009). 1240/26(9)

Ministers and Assistant Ministers and use in the Assembly,' lodged '*au Greffe*' on 29th October 2009 by Deputy T.M. Pitman of St. Helier (P.186/2009 refers).

The Committee noted that part (a) of the proposition asked that the cost of Blackberries and call charges for Ministers and Assistant Ministers be reclaimed from the relevant member's expenses. The Committee agreed that Ministers' and Assistant Ministers' Blackberries should be for business use only and that a mechanism should be established to ensure that private and business uses remained separate. The Committee, with reference to its Minute No A2 of 17th July 2009, also recalled that all States members would be invited to take advantage of the corporate rate negotiated for Blackberries by the Information Services Department.

In respect of part (b) of the proposition, which requested that the use of Blackberries in the States Chamber during sittings be banned, the Committee had had regard for Standing Order 99(1) 'Behaviour of members during meeting'. It noted that part (b) of the proposition only concerned the use of Blackberries, and that it would not prevent other electronic devices from being used in the States Chamber provided that they did not cause a disturbance. The Committee considered the use of computers, personal digital assistants and Blackberries in parliaments in other jurisdictions and recognised that new technology, and attitudes towards it, were still evolving.

It was agreed that a comment to this effect should be drafted for presentation to the States in early course.

The Committee Clerk was directed to take the necessary action.

Move to next item: repeal of Standing Order 85 (P.187/2009). 450/2/1(20)

A5. The Committee considered the proposition entitled, 'Move to next item: repeal of Standing Order 85,' lodged '*au Greffe*' on 3rd November 2009 by Deputy P.V.F. Le Claire of St. Helier (P.187/2009 refers).

The Committee noted that the principal use for Standing Order 85 was to move to the next item where members felt uneasy either to vote for a proposition or to vote against it, and that it had been increasingly rarely used. The Committee was advised of the function of Standing Order 85. It was noted that, as a safeguard against misuse, not less than 20 members had to vote in favour of a move to the next item for it to be adopted. As with a proposal for a reference back, if the States adopted a proposal to move to the next item, the proposer did not need to withdraw the proposition, but could ask that it be debated, without re-lodging, at a future sitting. In conclusion, the Committee agreed that there was a valid use for Standing Order 85 and considered that to repeal it would limit the options available to members.

It was agreed that a comment to this effect should be drafted for presentation to the States in early course.

The Committee Clerk was directed to take the necessary action.

States Members' Remuneration Review Body recommendations for 2009 to 2011: pension scheme. 1240/3 (85)

A6. The Committee, with reference to its Minute No. A6 of 17th July 2009, received correspondence from the Chairman of the States Members' Remuneration Review Body, Mr. J. Rogers, dated 27th October 2009, in connexion with the possible introduction of a pension scheme for States members.

The Committee recalled that the recommendations of the States Members' Remuneration Review Body for 2009 to 2011 had been presented to the States in June 2009 by the Committee, and had included a proposal that pension arrangements

should be introduced for States members (R.62/2009 refers). The Chairman had written to Mr. Rogers on 22nd July 2009 to request that the States Members' Remuneration Review Body reconvene to give further consideration to the development of a pension scheme.

The Committee discussed the 3 different categories of scheme outlined by Mr. Rogers in his response of 27th October 2009 and agreed that a scheme should be introduced whereby the States would make matched contributions to individual States members' private pension schemes. It was agreed that the Committee would engage with States members to ascertain whether or not this would be an appropriate way forward.

It was agreed that a report should be drafted to this effect, for presentation to the States in early course, and that comments on the proposal should be invited until Friday 29th January 2010.

The Committee Clerk was directed to take the necessary action.

Review of States appointments.
1240/6(55)

A7. The Committee, with reference to its Minute No. A4 of 9th October 2009, received correspondence from the Chief Minister, dated 26th October 2009, in connexion with States appointments.

The Committee noted that it was awaiting a response from the Council of Ministers, which had been scheduled to consider the Committee's draft report and proposition to introduce revised procedures for appointments made by the States at its meeting of 12th November 2009.

Defibrillator.
1240/9/1(137)

A8. The Committee received correspondence from Deputy J.B. Fox dated 3rd November 2009 in connexion with the possible purchase of a defibrillator, to be placed in the members' area of the States Building.

The Committee endorsed the purchase of a defibrillator and agreed that States members should be invited to volunteer to be trained in its use.

States Members' Remuneration Review Body: resignation of Advocate Lakeman.
1240/3(73)

A9. The Committee noted e-mail correspondence, dated 2nd November 2009, from Advocate C. Lakeman, tendering his resignation with immediate effect from the States Members' Remuneration Review Body.

The Chairman was requested to write a letter of thanks to Advocate Lakeman, and seek the advice of the Chairman of the Review Body as to whether a further member should be recruited to assist the Review Body going forward.

Identity cards for States members.
465/1(76)

A10. The Committee received a report and related correspondence in connexion with the possible introduction of identity cards for States members and access to Morier House.

The Committee received e-mail correspondence, dated Thursday 29th October 2009, from Deputy M. Tadier, which requested that consideration be given to the introduction of identity cards for all States members. The Deputy also requested further information in respect of the process for issuing passes to Morier House. The Committee noted that States members who wished to have access to the scrutiny area of Morier House were required to notify the Scrutiny Manager and to agree to

Property Holdings' conditions on the issuing of access fobs. They would then be issued with a pass for that area. **It was agreed that Deputy M.R. Higgins would advise the Chairmen's Committee in this regard.**

With regard to the possible provision of identity cards for States members, the Committee noted the Minutes of the Privileges and Procedures Committee, as previously constituted, dated 3rd May 2006 (item No. A11), 3rd October 2007 (item No. A2), 17th October 2007 (item No. A2) and 23rd January 2008 (item No. A7). **It was agreed that research should be carried out into the cost of producing identity cards for States members.**

The Committee Clerk was directed to take the necessary action.

Work
programme:
Privileges and
Procedures
Committee.
465/1(110)

A11. The Committee received a report which set out details of its ongoing work programme.

The Committee noted the substantive items for consideration at its next meeting. It also noted the following matters arising:

- (a) The Chairman asked members to respond to their e-mails on a daily basis and requested that they provide advance notice if they were unable to attend a meeting. It was also noted that the Committee had received e-mail correspondence, dated 13th November 2009, from Deputy M. Tadier, who had advised that he would no longer be available to attend lunch-time meetings.
- (b) The Committee, with reference to its Minute No. A4 of 22nd October 2009, gave further consideration to the proposition entitled: Provision of States Members' lunches at certain meetings and car parking, lodged '*au Greffe*' on 7th October 2009 by Senator S.C. Ferguson (P.171/2009 refers) and asked the Chairman to request Senator Ferguson to defer the debate.