

PRIVILEGES AND PROCEDURES COMMITTEE

(107th Meeting)

10th May 2011

PART A

All members were present, with the exception of Deputy T.M. Pitman, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
Senator B.I. Le Marquand
Connétable P.F.M. Hanning of St. Saviour
Deputy J.B. Fox
Deputy J.A. Martin

In attendance -

M.N. de la Haye, Greffier of the States
Mrs. A.H. Harris, Deputy Greffier of the States
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 14th March 2011 (Part A only); 22nd March 2011 (Part A and Part B); 24th March 2011 (Part A only); 28th March 2011 (Part A only); 31st March 2011 (Part A and Part B); 12th April 2011 (Part A only) and 20th April 2011 (Part A only), having been previously circulated, were taken as read and were confirmed.
- Resignation of Deputy M.R. Higgins. A2. The Committee noted that in accordance with Standing Order 129(6)(ca) Deputy M.R. Higgins had ceased to be a member of the Committee on 3rd May 2011, as a consequence of his resignation from the position of Chairman of the Economic Affairs Scrutiny Panel.
- 465/1(4) It was noted that, in accordance with Standing Order 122(9), the Chairman was now required to consult with the President of the Chairmen's Committee prior to nominating a member of the Chairmen's Committee as a candidate for membership of the Privileges and Procedures Committee.
- The Chairman was **requested** to take the necessary action.
- Standing Orders: publication of register of members' interests. A3. The Committee received the proposition 'Standing Orders: publication of register of members' interests,' lodged *au Greffe* on 4th May 2011 by the Deputy of St. Martin (P.69/2011 refers).
- 450/2/1(58) The Deputy proposed that Standing Order 154 of the Standing Orders of the States of Jersey should be amended to include a requirement for the Greffier of the States to publish the register of members' interests on the States Assembly website and for the Committee to bring forward for approval the necessary amendment to Standing Orders to give effect to the proposal. The Committee received electronic correspondence, dated 5th May 2011 from a member of the States, in connexion with the aforementioned proposition. The States member expressed concern that

that the online publication of the register of members' interests could have security implications for States members and their families. The States member was of the view that the published information could be misused and that this might discourage people from standing for office. The States member requested that a risk management report and a review of the data protection implications be undertaken prior to the matter being debated.

The Committee noted that the register of members' interests was presently maintained by the Greffier of the States in accordance with Standing Order 154 and could be inspected by members of the public during office hours at the Information Centre in Morier House. It was felt that the information contained within the register was likely to be of greatest interest to members' constituents and of less interest world-wide; however, it recognised that parliaments in other jurisdictions did publish registers of members' interests online. The Committee **agreed** that it would not recommend the online publication of the current register of members' interests. Instead, it agreed that, should the proposition be adopted, the move to online publication should only be made once the new Assembly had been sworn in. This would allow those standing for election to take an informed decision in the full knowledge that the information they would be required to provide as an elected member would subsequently be published on the internet.

The Committee **agreed** that a comment should be drafted in the above terms for consideration at a future meeting. The Committee Clerk was requested to take the necessary action.

Standing Orders:
selection and
appointment
procedures.
P.61/2011
450/2/1(57)

A4. The Committee, with reference to its Minute No. B2 of the present meeting, received the proposition 'Standing Orders: selection and appointment procedures,' lodged *au Greffe* on 14th April 2011 by Deputy M. Tadier of St. Brelade (P.61/2011 refers).

The proposition asked the States to request the Privileges and Procedures Committee to review the selection and appointment procedures set out under the Standing Orders of the States of Jersey. The Committee, with reference to its Minute No. A1 of 4th May 2011, recalled that the States had previously agreed to establish an Electoral Commission to investigate and report on all aspects of the composition of the elected membership of the States Assembly, as well as the election and voting processes. In addition, the Chief Minister had informed the Assembly on 3rd May 2011 that the Council of Ministers intended to lodge a report and proposition setting out draft terms of reference for an in-depth review of the current machinery of government covering matters such as the responsibilities of the Council of Ministers, Ministers and Accounting Officers. While the Committee saw merit in carrying out an investigation into the matters covered within Deputy Tadier's proposition, it was felt that any such investigation should either be covered by the Electoral Commission, or subsumed into the work to be undertaken during the machinery of government review being proposed by the Council of Ministers.

In summary, the Committee agreed that it was unable to support Deputy Tadier's proposition of Deputy Tadier on the basis that any review of the current selection and appointment procedures should be carried out as part of a coherent examination of processes. It was **agreed** that a comment should be drafted to this effect, for approval and subsequent presentation to the States.

The Committee Clerk was requested to take the necessary action.

Meeting with the
Chairmen's
Committee.
511/1(42)

A5. The Committee, with reference to its Minute No. A3 of 31st March 2011, recalled that it had been invited to attend the Chairmen's Committee meeting scheduled to take place on Thursday 12th May 2011.

465/1(156)
1240/10(36)

It was noted that matters to be discussed at the meeting included:

- the transfer of members from non-Executive to executive roles and the number of members serving on scrutiny;
- media and the filming of scrutiny meetings;
- debating scrutiny reports; and
- business cards for States members.

The Committee **noted** that the Chairman, Connétable P.F.M. Hanning of St. Saviour and Deputy J.B. Fox of St. Helier would attend the meeting.

2011 elections:
voter registration
and turnout.
424/2(72)

A6. The Committee, with reference to its Minute No. A1 of 12th April 2011, received an oral report from the Deputy Greffier of the States in connexion with the ongoing campaign to encourage voter registration and turnout in respect of the autumn 2011 elections.

The Committee noted that a brand had been developed in respect of the campaign; that promotional material was currently being drafted; and that a website and social media presence would be established in due course. The Committee also approved a proposal to develop a short film for use as a television and radio advertisement.

The position was **noted**.

Electoral
Commission.
1240/22/1(59)

A7. The Committee, with reference to its Minute No. A1 of 4th May 2011, received a revised draft of a consultation report entitled 'Electoral Commission: options' in connexion with the establishment of an Electoral Commission following the adoption by the States on 15th March 2011 of the proposition 'Electoral Commission: establishment,' as amended (P.15/2011 refers).

The Committee, having considered the content of the revised draft report, accordingly **approved** the same and requested that it be presented to the States in the report series in early course.

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

Draft Freedom of
Information
(Jersey) Law
201-
P.39/2011
670/1(37)
670/1(18)

A8. The Committee, with reference to its Minute No. A1 of 24th March 2011, recalled that the draft Freedom of Information (Jersey) Law 201- had been adopted by the States on 4th May 2011 and formally recorded its thanks to the Deputy Greffier of the States in respect of the work which she had carried out on behalf of the Committee during the development of the draft legislation.

The Committee noted that implementation of the draft legislation now fell to the executive. It was, however, **agreed** that the Chairman should recommend to the Chief Minister that a representative from the Privileges and Procedures Committee be appointed to serve on any group established to take the legislation forward. Furthermore, the Committee, with reference to its Minute No. B1 of 31st March 2011, noted that much consideration had been given to States members' access to official information during the debate. It was accordingly **agreed** that the Chairman should contact H.M. Attorney General with a view to making a statement in the Assembly regarding members' access to information and the proposal for a basic set of guiding principles for requests for information by States members to be established.

In this regard, the Committee received electronic correspondence from Mrs. J.P. Dilbert M.B.E., J.P., Information Commissioner, Cayman Islands, dated 4th May 2011. The Committee acknowledged the advice and assistance which had been

provided by Mrs. Dilbert during the development of the Law and **agreed** that other external advisors, including Mr. M. Frankel, director of the United Kingdom Campaign for Freedom of Information; Mr. G. Smith, Deputy Commissioner and Director of Freedom of Information at the U.K. Information Commissioner's Office, and Mrs. B. Lewis, Head of Information Policy Division, U.K. Ministry of Justice, all of whom should be thanked for their assistance in the development process and advised that the draft legislation had been adopted by the States.

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

Review of the
Role of the
Crown Officers
"Carswell
Review": in
Committee
debate.
R.28/2011
499/3(22)

A9. The Committee, with reference to its Minute No. A11 of 22nd March 2011, recalled that an 'in Committee debate had taken place in the States Assembly on 30th March 2011 in respect of the report presented to the States by the Committee on 14th March 2011 entitled: 'Review of the Role of the Crown Officers "Carswell Review": in Committee debate' (R.28/2011 refers).

The Committee recalled that the debate had not given rise to an urgent requirement to immediately progress the recommendations contained within the review and that many members had expressed support for the continuation of the rôle of the current Bailiff. The debate had also recognised that a number of practical issues would arise should all the recommendations be adopted concurrently. It was noted that there was a significant amount of States business which needed to be resolved prior to the October 2011 elections and it was therefore **agreed** that the matter should be pursued following the appointment of the new Assembly. The Committee **was minded** to request the Chairman to consult with the Chief Minister with a view to drafting a statement to be made to the Assembly in respect of the matter. It was agreed that any such statement should include some analysis of the overarching views expressed by members during the in Committee debate.

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

Work
programme.

A10. The Committee noted its ongoing work programme.