

PRIVILEGES AND PROCEDURES COMMITTEE

(8th Meeting)

27th March 2009PART A

All members were present, with the exception of Senator B.I. Le Marquand, from whom apologies had been received.

Connétable J. Gallichan of St Mary, Chairman

Deputy J.B. Fox

Deputy J.A. Martin

(not present for the conclusion of Item No. A4. Not present for Item Nos. A5 to A11 inclusive, and Item Nos. B6 to B8 inclusive.)

Deputy C.H. Egré

(not present for the conclusion of Item No. A4. Not present for Item Nos. A5 to A11 inclusive, and Item Nos. B6 to B8 inclusive.)

Deputy M. Tadier

Deputy M.R. Higgins

In attendance -

M.N. de la Haye, Greffier of the States

Mrs. A.H. Harris, Deputy Greffier of the States

(Item No. A3 only)

Miss A-C. Heuston, Clerk to the Privileges and Procedures Committee

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

Ministerial
Government:
review
(P.181/08).
465/1 (77)

A1. The Committee, with reference to its Minute No. A5 of 6th February 2009, considered a report in connexion with the proposition lodged 'au Greffe' by the Deputy of St. John on 10th December 2008, entitled: 'Ministerial Government: review' (P.181/2008 refers).

The Committee recalled that it had met with the Deputy of St. John on 6th February 2009 and had concluded that the scope of the review as proposed was extremely wide and was not considered viable.

The Committee considered a draft comment in relation to the matter, which expressed the Committee's view that it would be inappropriate to launch a further review of ministerial government at this stage and that, should such a review be requested, work on the Committee's other priorities, such as freedom of information legislation and the composition and election of the States, could be delayed.

Following some minor amendments, the Committee approved the comment to the proposition entitled: 'Ministerial Government: review' (P.181/2008 refers), and requested that the Greffier of the States arrange for it to be presented to the States in early course.

Filming of
scrutiny meetings
by members of
the public.
510/1 (42)

A2. The Committee, with reference to its Minute No. A3 of 27th February 2009, considered correspondence dated 6th March 2009 from the Chief Minister, and correspondence dated 10th and 20th March 2009 from the President of the Chairmen's Committee, in connexion with the video taping of scrutiny hearings/meetings.

The Committee considered whether a film of scrutiny hearings could be produced by the States of Jersey and made publicly available. It was noted that members of the public could then be permitted access to the film, and, should an abuse occur, they would be refused access to the footage in future. It was agreed that research should be carried out into the cost of establishing such a provision.

The Committee noted that, in his letter dated 20th March 2009, the President of the Chairmen's Committee stated that the taking of visual and sound recording of States meetings was not restricted to scrutiny, but included a number of other States meetings which were held in a public forum, and had requested the Committee to undertake a full review of the matter, inclusive of human rights and data protection issues.

The Committee noted that an amended protocol for members of the public wishing to video scrutiny proceedings was in place, and Deputy M. Tadier stated that he would not, at present, attend any meeting where the protocol was in operation as he felt that the situation should be equitable for all types of media.

The Committee noted that, under Standing Order 143(f) of the Standing Orders of the States of Jersey, the terms of reference of the Chairmen's Committee were –

'to prepare, keep under review and lodge for approval by the States, codes of practice for the proceedings of the PAC and scrutiny panels which shall include –

- (iii) the manner in which a hearing by the PAC or a scrutiny panel must be organized and conducted,*
- (iv) the manner in which a person called to give evidence before the PAC or a scrutiny panel is dealt with before, during and after the hearing'.*

The Committee therefore requested the Chairman write to the President of the Chairmen's Committee with the recommendation that an amendment to the Code of Practice for Scrutiny Panels and the Public Accounts Committee should be lodged for approval by the States in relation to the revised protocol for the taking of video footage of scrutiny hearings/meetings.

The Committee Clerk was directed to take the necessary action.

States of Jersey
Complaints
Panel.
1386/6/1(2)

A3. The Committee, with reference to its Minute No. A2 of 20th February 2009, welcomed the Chairman and members of the States of Jersey Complaints Panel, and recalled that it had presented the Panel's annual report for 2008 to the States on 4th March 2009 (R.18/2009 refers).

The Committee welcomed Panel Chairman, Mrs. C.E. Canavan, Deputy Chairman Advocate R.J. Renouf, and members Mr. T.S. Perchard, Mrs. M. Le Gresley, Miss C. Vibert, and Mr. D.J. Watkins; and noted that apologies had been received from Mr. P.E. Freeley and Mr. J.G. Davies.

The Panel Chairman advised the Committee that there had been an increase in the number of cases being dealt with by the Panel, and that the job was made possible through the assistance of the Deputy Greffier and her team. The Chairman advised that a meeting had been held in December 2008, during which the procedure followed by the Panel had been examined with a view to streamlining. The Committee noted that, under the present system both Deputy Chairmen would be required to consider an appeal against a decision of the Chairman, however, this could be altered in future to enable such appeals to be heard by one Deputy Chairman and one other member.

The Panel advised that it received a number of complaints which could not be dealt with under its remit, and asked whether there was another board to which such matters could be referred. The Panel also recommended that literature for applicants should be clarified to ensure that the Panel would not be mistaken for an appeals

board.

It was noted that the Panel's term of office was due to expire in May 2009 and that an appointments process would then take place. The Committee thanked the Panel members for their work and asked them to consider re-applying for membership in May 2009.

Oral questions.
450/2/1(13)

A4. The Committee, with reference to its Minute No. B1 of 27th February 2009, considered a proposition lodged 'au Greffe' by the Deputy of St. Martin on 20th March 2009 entitled: 'Oral questions with notice: extension to 2 hours' (P.40/2009 refers). Deputies C.H. Egré and J.A. Martin were not present for the conclusion of this item.

The Committee noted that the proposition requested the States to decide whether they were of the opinion to agree that standing orders 13 and 63 should be amended to extend the current 90 minutes allowed for oral questions with notice to 2 hours, and to request the Committee to bring forward the necessary amendment.

Deputy M. Tadier advised the Committee that he intended to lodge a proposition requesting the States to agree to abolish the time period in relation to oral questions.

The Committee agreed that answers should always be as concise as possible. It noted that, if the period allocated to oral questions was increased this was likely lead to increased sitting hours for the Assembly, and could result in less time being spent considering Public Business. The Committee also noted that States members and officers could spend a considerable amount of time preparing the answers to oral questions.

The Committee agreed that the manner in which unanswered oral questions were dealt with at present was unsatisfactory, as answers were being circulated by e-mail and therefore did not benefit from parliamentary privilege and were not recorded.

The Committee agreed that it would present a comment on the Deputy of St. Martin's proposition entitled: 'Oral questions with notice: extension to 2 hours' (P.40/2009 refers) to the States once Deputy Tadier's proposition had been lodged. However, the Committee noted that it had a wide variety of individual views on the matter, and therefore agreed that it would not be appropriate for it to comment on the substantive issue of whether or not the period set aside for oral questions with notice should be extended from 90 minutes to 2 hours as this was purely political decision for individual members.

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

States Assembly
Annual Report
2008.
1240/25(3)

A5. The Committee considered the 'States Assembly Annual Report 2008' for presentation by the Committee to the States. Deputies C.H. Egré and J.A. Martin were not present for the consideration of this item.

The Committee recalled that the Standing Orders of the States of Jersey required it to prepare an annual report on the work of the States Assembly and to present it to the States. The Committee requested that the average age range of States Members be added to the report, and agreed that the Bailiff, as President of the States, should be requested to write the foreword to the report.

The Committee accordingly approved the States Assembly Annual Report 2008 and requested that it be presented to the States as soon as the Bailiff's foreword had been received.

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

Code of Practice

A6. The Committee noted the draft Code of Practice on Public Access to Official

on Public Access
to Official
Information:
Annual Report
2008.
955/1(6)

Information: Annual Report 2008, for presentation by the Committee to the States. Deputies C.H. Egré and J.A. Martin were not present for the consideration of this item.

The Committee agreed that the matters raised within the report should be taken into account during its ongoing consideration of draft of freedom of information legislation.

The Committee accordingly approved the Code of Practice on Public Access to Official Information: Annual Report 2008, and requested that it be presented to the States at the earliest opportunity.

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

Support for
States members.
1240/9/1(151)

A7. The Committee considered correspondence dated 23rd February 2009 from the President of the Chairmen's Committee in connexion with the level of support available for States members. Deputies C.H. Egré and J.A. Martin were not present for the consideration of this item.

The Committee discussed whether individual members should be provided with offices and have access to legal advice, other than that provided by H.M. Attorney General, as it was considered that this could, on occasion, conflict with his remit which included providing advice to Ministers.

The Committee noted that there was an average scrutiny under-spend of £240,000 per annum, and it was considered that part of this could be used to establish a library and to fund the post of a researcher.

The Committee agreed to request the Greffier to consult with other jurisdictions to establish the level of support provided to members of parliament. It also requested that the Chairman write to the President of the Chairmen's Committee to advise that the matter was being investigated.

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

Register of
undertakings.
1240/9/1(152)

A8. The Committee considered the possible introduction of a register of undertakings for States members. Deputies C.H. Egré and J.A. Martin were not present for the consideration of this item.

It was noted that a number of other jurisdictions had such a register, but that it could be difficult to define what constituted an undertaking requiring registration.

Oath of office.
450/1(12)

A9. The Committee considered the oath of office taken by Senators and Deputies. Deputies C.H. Egré and J.A. Martin were not present for the consideration of this item.

The Committee noted that the oath was detailed under the States of Jersey Law 2005 and included a commitment to 'attend the meetings of the States whenever you are called upon to do so', along with a commitment to uphold and maintain the laws of Jersey, 'opposing whomsoever may wish to infringe the same'.

The Committee considered that members could be excused from infrequently failing to attend a States sitting during their term of office, however, agreed that the matter would need to be addressed if there was continued absenteeism.

The Committee also considered what sanction, if any, was in place under the oath which could be utilised if a States member were to be convicted of having broken the law, and agreed to request the advice of H.M. Attorney General on the matter.

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

Rôle of the Dean
within the States
of Jersey.
1240/6(56)

A10. The Committee considered the rôle of the Dean within the States of Jersey. Deputies C.H. Egré and J.A. Martin were not present for the consideration of this item.

The Committee recalled the proposition of the Deputy of St. Martin entitled: 'Rôle of unelected members of the States: review' (P.5/2009 refers), debated by the States on 4th February 2009. The Committee noted that the States had agreed that a review of the rôles of the Bailiff, H.M. Attorney General, and H.M. Solicitor General, should be undertaken, but had not supported a review of the rôle of the Dean within the States.

Deputy M. Tadier considered it important that the Committee review the matter so that, should another member bring a proposition in relation to the Dean's role, the research would already have been completed.

The Committee considered whether or not such a review was necessary and it was agreed that research would be carried out into the rôle of religious representatives within other parliaments.

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

Matters arising.

A11. The Committee considered the following matters arising –

- a) the Committee noted that the Le Capelain and Blampied rooms were being used in the evenings for private meetings, and considered that this had resulted in a possible security risk to the States Building. It was agreed that the States member who had organised the meetings would be contacted and requested to use the members' rooms instead. It was also noted that there were no toilet facilities in the area of the members' rooms, and that consideration should be given to the possible installation of a toilet in the shower room;
- b) the Committee noted that protest banners in relation to the possible development of multi-storey car park on the Ann Court site were being stored in an interview room in the States Building, and it was agreed that this should not be permitted and the banners should be removed.

Deputies C.H. Egré and J.A. Martin were not present for the consideration of these matters.