

PRIVILEGES AND PROCEDURES COMMITTEE

(90th Meeting)

25th January 2011PART A

All members were present.

Connétable J. Gallichan of St. Mary, Chairman
 Senator B.I. Le Marquand
 (not present for item Nos. A12 to A15 inclusive)
 Connétable P.F.M. Hanning of St. Saviour
 Deputy J.B. Fox
 Deputy J.A. Martin
 Deputy M.R. Higgins

In attendance -

Deputy R.G. Le Hérissier, Chairman, Education and Home Affairs Scrutiny Panel (Item No. A2 only)
 Deputy M. Tadier, member of the Education and Home Affairs Scrutiny Panel (Item No. A2 only)
 The Deputy of St. Martin (Item No. A5 only)
 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 10th January 2011 (Part A only) and 11th January (Part A only), having been previously circulated, were taken as read and were confirmed.

Political
 Education -
 Education, Home
 Affairs Scrutiny
 Panel.
 516/23(6)

A2. The Committee, with reference to its Minute No. A7 of 14th December 2010, received the Chairman of the Education and Home Affairs Scrutiny Panel, Deputy R.G. Le Hérissier, and Panel member Deputy M. Tadier in connexion with the Panel's report 'Political Education' (S.R. 14/2010 refers).

The Committee recalled that it had written to the Chairman of the Panel to request further information in respect of the recommendation contained within the report that the Committee should oversee the setting up of States sites on Facebook and Twitter. The Committee had requested further information regarding the purpose of establishing such an online presence; the type of content to be uploaded; how the content should differ from that on the States Assembly website and who should be responsible for uploading the content. Deputy Le Hérissier explained that the recommendation had been made following consultation with young people who had expressed an interest in finding out more about Jersey's government through online social networks. Deputy Tadier considered that other parliaments had active outreach programmes which extended beyond dedicated websites, and suggested that sites such as Facebook and Twitter should be considered by the States Assembly. It was suggested that a direct news feed would be of interest to members of the public and that the site could include information about the States Assembly and its members. The necessity to regularly update the content of any such site was stressed. It was noted that a number of States social networking pages already

existed, but were blocked by the States network. The view was expressed that States employees should have access to these sites. Deputy Tadier advised that he would be content to liaise with the Greffier's office in order to establish a trial Twitter or Facebook page.

Having been thanked by the Chairman for their attendance, Deputy Le Hérisssier and Deputy Tadier withdrew from the meeting.

The Committee **agreed** that research should be carried out into the use by other parliaments of social media and networking sites. The Committee Clerk was requested to take the necessary action.

Resignation of
Vice-Chairman.
465/1(4)

A3. The Committee noted the resignation from the Committee of the Vice Chairman, Deputy C.H. Egré, on 20th January 2011, by virtue of his appointment as Assistant Minister for Planning.

In accordance with Standing Order 127(1)(b) of the Standing Orders of the States of Jersey it was necessary for Deputy Egré to step down from the Committee, to be replaced by a member who was not a Minister or an Assistant Minister. The Committee recalled that Deputy M.R. Higgins had advised members during the States sitting on 20th January 2011 that he intended to nominate Deputy T.M. Pitman for the position. The Chairman informed the Committee that an expression of interest had been received from Deputy P.V.F. Le Claire. Concern was expressed that all States members may not have been aware of the requirement to notify the Chairman of their interest in the position in advance of the present meeting, and it was **agreed** that a reminder should be sent to all members by electronic mail.

The Chairman was requested to take the necessary action.

Appointment of
Vice-Chairman.
465/1(4)

A4. The Committee, with reference to its Minute No. A3 of the present meeting, noted that there was a vacancy for the position of Vice Chairman following the resignation from the Committee of Deputy C.H. Egré by virtue of his appointment as Assistant Minister for Planning.

In accordance with Standing Order 127(3) of the Standing Orders of the States of Jersey, the Committee appointed Deputy J.B. Fox as Vice Chairman.

Standing Orders
26(7) and 34 of
the Standing
Orders of the
States of Jersey.
450/2/1(50)

A5. The Committee received electronic correspondence dated 7th January 2011 from the Deputy of St. Martin in connexion with the function of Standing Order 26 (7), 'Minimum lodging period,' and Standing Order 34, 'Withdrawing a proposition before debate,' of the Standing Orders of the States of Jersey.

The Committee welcomed the Deputy of St. Martin in this regard. The Committee noted the Deputy's amendment to the proposition 'Standing Orders: minimum lodging periods – revision,' (P.194/2010 refers), which proposed that comments should be presented to the States on the Friday preceding the debate. The Deputy explained that the purpose of the amendment was to ensure that comments on propositions were presented to the States in a timely manner and would therefore receive full consideration from members. The Committee expressed concern however, that comments which had not been presented to the States in advance of the deadline would instead be forwarded to members by electronic mail, with the result that no formal record of the comment would be retained.

With regard to Standing Order 26(7), the Deputy advised that he considered the test under which the minimum lodging period for a proposition could be reduced was too high and that it should be amended to enable matters to be brought forward for an earlier debate if there was a general agreement for this course of action among

States members. Concern was expressed that this could result in debates taking place on the floor of the Assembly in respect of the order of debate. The Committee agreed that there should always be some fundamental urgency which required a matter to be brought forward for an earlier debate, and that this should be in the public interest. In respect of Standing Order 34, the Deputy was of the opinion that members should require the approval of the States to withdraw a proposition or amendment *before* it had been debated. It was noted that, at present, members only required the approval of the Assembly to withdraw a proposition *during* the debate, in accordance with Standing Order 69(4). The Committee expressed reservations in respect of the proposal, having noted that, if a member proposed the withdrawal of a proposition and lost the vote, that member would be unlikely to wish to speak to the proposition when it came to the debate. It was **agreed** that the matters raised by the Deputy of St. Martin in respect of Standing Order 26(7) and Standing Order 34 would be considered further by the Committee at a future meeting.

Having been thanked by the Chairman for his attendance, the Deputy of St. Martin withdrew from the meeting.

Standing Orders:
minimum
lodging periods –
revision.
(P.194/2010)
450/2/1(45)

A6. The Committee received the proposition ‘Standing Orders: minimum lodging periods – revision,’ lodged *au Greffe* on 23rd December 2010 by Senator P.F. Routier (P.194/2010 refers).

The Committee noted that the proposition asked the States to agree that the current 2 week minimum lodging period for propositions under Standing Order 26(3), should be increased to a minimum lodging period of 4 weeks. The Senator contended that the current 2 week minimum lodging period allowed very little time for members to prepare for the debate and to lodge amendments and for full consideration of the consequences of the main proposition and any amendments. The Committee noted that the system of 2 and 6 week lodging periods had been incorporated into Standing Orders following the States’ decision to move to a ministerial system of government. The then Privileges and Procedures Committee had contemplated the inclusion of a 4 week lodging period for certain categories of proposition, however, this had not been pursued as was considered to be overly complex. The Committee **agreed** that a comment should be drafted in respect of the proposition, for members’ information only. The comment should then be circulated to members for approval and subsequent presentation to the States.

The Committee Clerk was requested to take the necessary action.

Standing Orders:
minimum
lodging periods –
revision –
Amendment.
(P.194/2010
Amd.)
450/2/1(45)

A7. The Committee, with reference to Minute No. A4 of the present meeting, received the amendment of the Deputy of St. Martin to the proposition ‘Standing Orders: minimum lodging periods – Revision,’ lodged *au Greffe* on 12th January 2011 (P.194/2010 Amd. refers).

The amendment proposed that comments presented to the States under Standing Order 37 should be submitted to the Greffier of the States for distribution no later than noon on Friday in the week preceding the debate. The Committee considered that comments which had not been presented to the States in advance of the deadline were likely to be forwarded to members by electronic mail, negating the ability of the States Greffe to retain a formal record of the comment. The Committee agreed that, rather than adopt the proposition of the Deputy of St. Martin to amend Standing Orders, members should be invited to abide by the general principle being proposed. Under this approach, Ministers and others would be expected to forward their comments to the States Greffe by noon on the Friday in the week preceding the debate. Should a Minister, Committee or Panel wish to make a late comment on a proposition, this would be submitted to the Greffier in the normal way, for formal presentation to the States, but would be expected to include a note explaining the reason for the delay. In conclusion, while the Committee

agreed with the principle of the Deputy of St. Martin's amendment, it did not support the amendment itself.

The Committee **agreed** that a comment should be drafted in respect of the Deputy of St. Martin's amendment to P.194/2010 and circulated to members for approval and subsequent presentation to the States.

The Committee Clerk was requested to take the necessary action.

Standing Orders:
additional
signatories on
propositions
(P.174/2010) –
third and fourth
amendments.
450/2/1(42)

A8. The Committee, with reference to its Minute No. A2 of 29th November 2010, received the third and fourth amendments to the proposition 'Standing Orders: additional signatories on propositions,' lodged *au Greffe* on 7th January 2011 and 12th January 2011 by Deputy G.P. Southern and Deputy T.M. Pitman respectively (P.174/2010 Amd. (3) and P.174/2010 Amd. (4) refer).

The Committee, having recalled that it had presented a comment to the States in respect of the substantive proposition, **agreed** that it had nothing further to add and therefore did not wish to comment in respect of the third and fourth amendments to P.174/2010.

Composition of
the States:
implementa-tion
of remaining
Clothier reforms
- referendum.
(P.3/2011)
1240/22/1(58)

A9. The Committee received the proposition 'Composition of the States: implementation of remaining Clothier reforms – referendum' lodged *au Greffe* on 18th January 2011 by Deputy S. Pitman of St. Helier (P.3/2011 refers).

The proposition asked the States to agree that a referendum should be held in tandem with the 2011 election day on the implementation of a package of reform based on the recommendations contained within the report of the Review Panel on the Machinery of Government in Jersey, chaired by Sir Cecil Clothier and dated December 2000. The view was expressed that the single question being proposed covered a vast number of reforms, and that the report of the Review Panel was now out of date as ministerial government had since been introduced. The Committee was advised that a member of the States was looking to propose an amendment to the proposition in order to delete the words 'who should be a non-States member,' as the recommendation that the Speaker should not be a States member had not formed one of the recommendations contained within the Clothier Report.

Having considered the proposition, the Committee **agreed** that it was not minded to present a comment to the States in this respect.

Public Elections
Amendment
No.4 (Jersey)
Law 201-
File
424(10)
465/7(8)

A10. The Committee, with reference to its Minute No. A3 of 5th October 2010, received the draft Public Elections Amendment No. 4 (Jersey) Law 201-.

The Committee noted that the draft had been prepared in accordance with its decisions in response to the recommendations of the Public Elections Working Party. It was noted that there was a degree of urgency to lodge the draft Law so that it could be debated in early course with a view to the receipt of Privy Council sanction in advance of the summer recess. The Committee had particular regard for the provisions in respect of the nomination of Senators and the introduction of deposits for election candidates (Minute No. A3 of the Committee's meeting of 9th September 2010 refers). Following discussions in this regard it was agreed that the provision to require Senatorial election candidates to obtain 2 signatories from each parish should be reduced to a requirement for 1 signatory from each parish. It was felt that this would be sufficient to demonstrate a level of support from across the 12 parishes, in recognition of the Island-wide mandate that was being sought. The dissent of Deputy M.R. Higgins to the proposed introduction of a requirement for candidates to obtain signatories from each of the Island's parishes was noted, as was the dissent of Deputy J.A. Martin to proposals to introduce deposits for election candidates.

It was **agreed** that the draft legislation should be amended in accordance with the Committee's aforementioned decisions. It was noted that the draft Law was considered to be human rights compliant and the Chairman was **requested** to sign a statement to that effect. It was further **agreed** that, following completion of the necessary amendments and the signing of the statement of human rights compliance, the draft Public Elections Amendment No. 4 (Jersey) Law 201- should be lodged '*au Greffe*' for debate by the States at the earliest opportunity.

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

States members' facilities – political material in the States Building.
1060/5(250)

A11. The Committee received electronic correspondence, dated 21st December 2010, from the Connétable of St. Peter in connexion with the display and storage of political material in the States Building.

The Committee noted that the Connétable had been required to contact the Chief Usher in connexion with posters and placards which had been left in the States Building. In accordance with the 'Conditions of use of the members' facilities in the States Building' it was considered unacceptable to leave such items in the building (R.112/2007 refers). The Chairman was therefore **requested** to write to all States members to remind them that the facilities should not be used for electoral or party political purposes and that any members found to be in breach of the rules would be at risk of having their access card removed.

The Committee Clerk was requested to take the necessary action.

Standing Order 154: 'Greffier to maintain a register'.
450/2/1(51)

A12. The Committee received a report in connexion with Standing Order 154 of the Standing Orders of the States of Jersey: 'Greffier to maintain a register'.

It was noted that the register of members' interests was available for members of the public to browse at the States Assembly Information Centre. A member of the public had recently advised staff in the Centre that they intended to publish notes taken from the register on the internet. The Committee was advised that the content of the register was not currently available on the States Assembly website as the Privileges and Procedures Committee had agreed that it should not be published online for reasons of personal safety and security. However, the Committee considered that it may be appropriate for the register to be published online by the States Greffe, if it was also being published informally by members of the public. It was noted that an amendment to the Standing Orders of the States of Jersey would be required should the Committee be minded to take this course of action. It was agreed that it may be appropriate to propose the publication of the register of members' interests following the appointment of the new Assembly in October 2011.

The Committee **agreed** to give more detailed consideration to this matter at a future meeting with a view to amending Standing Orders, if that was considered appropriate, to allow the publication of the register on the States Assembly website.

Ministerial Decisions – publication on the gov.je website.
1445(12)

A13. The Committee received electronic correspondence, dated 5th January 2011, from Senator B.E. Shenton in connexion with the publication of ministerial decisions on the gov.je website.

The Senator expressed concern regarding the time lapse between the presentation of a report to the States and the appearance of the related ministerial decision on the gov.je website (R.C.155/2010 and MD-PH-2010-0129 refer). The ministerial decision to which the Senator referred related to a land transaction. States members

had 15 working days within which to challenge such a transaction and the decision had been uploaded to the website 2 working days after the report had been presented to the States. It was noted that, under current procedures, ministerial decisions were uploaded to the website by the States Greffe upon receipt of the signed hard copy of the decision from the relevant department. The Committee discussed whether the presentation of the report to the States should be aligned with the receipt of the hard copy of the ministerial decision; however, it was noted that this would result in a delay for the department in progressing the Minister's decision. It was **agreed** that Senator Shenton should be requested to contact the relevant department should he require supporting documentation in relation to a report. He should also be advised that the Committee was in discussion with the Property Holdings Department with regard to the possible revision of the notification procedures under Standing Order 168 (Minute No. A13 of the present meeting refers). The Chairman was requested to write to Senator Shenton in the aforementioned terms.

The Committee Clerk was requested to take the necessary action.

Standing Order
168.
450/2/1(44)

A14. The Committee, with reference to its Minute No. A11 of 23rd November 2010, received a report in connexion with the proposed amendment of Standing Order 168 of the Standing Orders of the States of Jersey.

The Committee recalled that representatives from the Treasury and Resources Department had attended its meeting in November 2010 to discuss the possible amendment of Standing Order 168 in order to enable the effective implementation of the Minister's investment strategy. The Department had proposed that the Standing Order be amended to exclude transactions related to investment in property outside Jersey. It had been agreed that the proposed amendment should be drafted and discussed further at a future meeting. The Committee received electronic correspondence dated 10th January 2011 from the Assistant Law Draftsman which advised that Standing Order 168 only applied to land transactions in Jersey and could not be extended to deal with transactions outside Jersey. It was therefore considered that an alternative approach could be taken to amend the Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005. Accordingly, the matter was no longer considered to be of relevance to the Committee.

The Committee, with reference to its Minute No. A3 of 26th January 2010, noted that it had yet to receive further advice from Property Holdings in respect of further possible amendments to Standing Order 168. It was **noted** that an update had been requested from the Department.

Review of the
roles of the
Crown Officers.
499/3(22)

A15. The Committee, with reference to its Minute No. A4 of 14th December 2010, received correspondence dated 5th January 2011 from the Bailiff in connexion with the Review of the roles of the Crown Officers.

The Committee recalled that the Chairman had written to the Bailiff on 17th December 2010 to request his views on the report of the Panel chaired by Lord Carswell. The Bailiff had advised that he would welcome the opportunity to attend upon the Committee to discuss the position. It was noted that the Chairman was also liaising with the Chief Minister in respect of the findings of the review, and it was **agreed** that a meeting should be arranged with the Bailiff and the Chief Minister in early course.

The Committee Clerk was requested to take the necessary action.