

PRIVILEGES AND PROCEDURES COMMITTEE

(71st Meeting)

5th March 2008**PART A**

All members were present, with the exception of Deputy G.C.L. Baudains, from whom apologies had been received. Senator M.E. Vibert was present for item No. B4 (b), Deputy J. Gallichan was present for item Nos. A3 and B4(b) and Deputy I.J. Gorst was present for all items with the exception of No. A3.

Connétable D.F. Gray of St. Clement - Chairman  
 Senator M.E. Vibert  
 Connétable K.A. Le Brun of St. Mary  
 Deputy S.C. Ferguson  
 Deputy J. Gallichan  
 Deputy I.J. Gorst

In attendance -

M.N. de la Haye, Greffier of the States (for a time)  
 Mrs. A.H. Harris, Deputy Greffier of the States  
 Miss P. Horton, 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 held on 6th February 2008 (Part A only), 11th February 2008 (Part A only) and 20th February 2008 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

Ministerial  
 Government:  
 review of the first  
 12 months:  
 implementation  
 465/1(91)  
**Encl.**

A2. The Committee, with reference to its Minute No. A8 of 20th February 2008, resumed consideration of the Machinery of Government Review (R.105/2007 refers).

The Committee considered a report concerning the consultation undertaken on the above which had been prepared by the Deputy Greffier of the States. The Committee discussed the report and focused on the following -

Item No. 11 - the Committee agreed that this should be looked at in more detail;

Item No. 16 - the Committee agreed that the Chairman's Committee could intervene if it was felt that the membership of a panel or a sub-panel was heavily weighted in favour of a political party;

Item No. 33 - the Committee felt that steps should be taken to ensure that the work of the Public Accounts Committee (PAC) was fully understood and that all reports by the PAC were published in a uniform manner;

Item No. 52 - although the Committee felt that it would be of benefit to have a short adjournment between the appointment of Ministers and the subsequent

appointment of the Chairman of the Privileges and Procedures Committee, the Public Accounts Committee and the Scrutiny Panels it was agreed that the Assembly should decide on the length of the adjournment;

Item No. 53 - the Committee requested that it be provided with statistical information on the number of questions members asked and also some examples of the questions that were submitted by members;

Item No. 54 - the Committee agreed that Standing Order 27 should be amended to provide that the Greffier of the States would refer a proposition lodged by a private member to the relevant Minister or Ministers in order for them to consider whether or not to report to the States on the matter.

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

Public Elections  
(Jersey) Law  
2002: proposed  
amendments -  
law drafting  
instructions.  
424(7)  
**Encl.**

A3. The Committee, with reference to its Minute No. A6 of 20th February 2008, received and considered the law drafting instructions for the proposed amendments to the Public Elections (Jersey) Law 2002.

The Committee recalled that it had discussed in detail the proposed amendments to the above named Law and, following consultation with the Parishes, Jurats and Judicial Greffe, law drafting instructions for the proposed amendments had now been produced. It was further recalled that its consideration of Article 30 of the Public Elections (Jersey) Law 2002 regarding the time when the poll opens had resulted in a tied vote. The Chairman, Senator Vibert and Deputy Gorst were all of the opinion that changing the opening time of the poll to 10.00 a.m. would only serve to send out the wrong message to voters particularly as one of the Committee's priorities was to encourage an increase in voter turn-out. Connétable Le Brun, Deputy Baudains and Deputy Ferguson disagreed with these views and were all of the opinion that the poll should open at 10.00 a.m. Having noted Standing Order 130(3) which provided that if a vote was tied it would be taken to have been lost, the Committee agreed that the opinion of Deputy Gallichan should be sought. Deputy Gallichan advised the Committee that she thought the poll should open at 10.00 a.m. and that the Assembly should be given the opportunity to debate the issue. The Chairman, Senator Vibert and Deputy Gorst requested that their dissent from this decision be recorded.

Deputy Gallichan also questioned the Committee's decision not to remove the six months continual residency requirement before registration for any person who had a combined total residency of 5 years at any time. Deputy Gallichan felt that removing this provision would make registration simpler and easier which was the aim of the proposed amendments to the Law. The Committee was concerned that this could enable persons who worked in the Island for several months of each year to accumulate 5 years combined residency and register to vote, however, Deputy Gallichan argued that it would be necessary for persons to demonstrate an intention to remain in the Island or provide a declaration of residency. The Committee agreed that it would consider this issue again when the Amendments to the Law were brought forward for its approval.

The Committee discussed the requirement for polling cards to be issued before every public election for Senator, Connétable or Deputy. It had been agreed that a card would be sent out by the Parish to each registered elector setting out the elector's registration details, the nature of the election(s), the polling station to be used and the opening times of the poll. Although there would no longer be a requirement for reminders to be sent to each household it was recognised that there could be financial implications for Parishes due to the number of polling cards that would be posted as these would be sent to each registered elector rather than to each household as was

the case with reminders.

It was felt that the Comité des Connétables should be consulted regarding the possible financial implications the requirement to issue polling cards could have on Parishes. The Committee agreed that if necessary this Article of the Law could be brought into force at a later time by Appointed Day Act.

Procedure for  
lodging  
propositions.  
450/2/1(7)  
**Encl.**

A4. The Committee considered the current procedure laid out in Standing Order 21 and recalled that during the States debate on the Waterfront Skateboard and Youth and Community Centre (P.8/2008 refers) Senator P.F.C. Ozouf had highlighted perceived shortcomings of the current provisions relating to financial and manpower statements on propositions brought to the States by individual members.

The Committee considered Standing Order 21(2) and (3) which required that -

- (2) *the draft must be accompanied by the proposer's statement of whether the proposition, if adopted, would have any implications for the financial or manpower resources of the States or any administration of the States and, if there are such implications -*
  - (a) *set out the proposer's estimate of those implications; and*
  - (b) *explain how, when and from where, in the proposer's opinion, they could be sourced.*
- (3) *The proposer may request information from any Minister responsible for the resources in question and a Minister shall, when so requested, ensure that the proposer is provided with complete and accurate information sufficient to enable the proposer to prepare the statement.*

The Committee recalled that Senator Ozouf had advised the Assembly that there would be a financial implication for the Economic Development Department if the proposition was adopted. The Committee considered the matter and was of the opinion that the Minister for Economic Development should have presented a comment to the States advising that the financial statement was not correct.

The Committee, having discussed the issue, recalled that during consideration of the Ministerial Government: review of the first 12 months (Minute No. A2 of this meeting refers) it had agreed that Standing Order 27 should be amended to provide that the Greffier of the States should refer a proposition lodged by a private member to the relevant Minister or Ministers in order for them to consider whether or not to report to the States on the matter. It was recognised that if this amendment to Standing Orders was approved by the States the Minister would be expected to present a comment on the financial implications of a proposition.

Administrative  
Decisions  
(Review) (Jersey)  
Law 1982, as  
amended - draft  
States of Jersey  
Complaints  
Panel: annual  
report for 2007.  
1386/2/2(13)

A5. The Committee, in accordance with the Administrative Decisions (Review) (Jersey) Law 1982, as amended, considered a draft report of the States of Jersey Complaints Panel for 2007.

The Committee noted that the complaint outlined at Appendix A had been referred to the Minister for Planning and Environment in order that the matter could be reconsidered. The Minister's report was still awaited and the findings of the Board would not be presented to the States formally until the Minister's report had been received. The Committee agreed that it would be appropriate to ask the Board whether Appendix A should only be published after its findings had been presented to the States.

Notwithstanding the above, the Committee, having noted the report of the Complaints Panel for 2007, accordingly approved the same and subject to minor amendment requested that it should be presented to the States at the earliest opportunity.

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

Draft States  
Assembly Annual  
Report 2007.  
1240/25(2)

A6. The Committee received the draft States Assembly Annual Report 2007.

The Committee recalled that Standing Orders required it to prepare an Annual Report on the work of the States Assembly and to present it to the States. As sections 3 and 5 had been circulated separately the Committee agreed that the full draft Report should be considered at its next meeting. The Committee further agreed that the Bailiff, as President of the States, should be asked to write a Foreword to the Report.

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

Matters for  
information.

A7. The Committee noted the following matters for information -

- (a) correspondence dated 28th February 2008, sent to Senator S. Syvret regarding the use of States Members' facilities in the States Building;
- (b) the Committee agreed that its next meeting would be held on Wednesday, 19th March 2008, commencing at 9.30 a.m. in the Le Capelain Room, States Building, Royal Square.