

PRIVILEGES AND PROCEDURES COMMITTEE

(66th Meeting)

23rd January 2008

PART A

All members were present, with the exception of Deputy G.C.L. Baudains and Deputy I.J. Gorst, from whom apologies had been received.

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

In attendance -

Mrs. A.H. Harris, Deputy Greffier of the States
 I. Clarkson, 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 meeting held on 12th December 2007 and 8th January 2008, having been circulated previously, were taken as read and were confirmed.

Draft Freedom of
 Information
 (Jersey) Law
 200-
 670(1)

A2. The Committee, with reference to its Minute No. A3 of 12th December 2007, recalled that it had elected not to proceed with the draft Freedom of Information (Jersey) Law 200- in the current circumstances. Instead the Corporate Affairs Scrutiny Panel had been invited to review the effectiveness of the existing Code of Practice on Public Access to Information.

The Committee considered correspondence, dated 11th January 2008, from the Chairman of the Corporate Affairs Scrutiny Panel concerning the invitation to review the Code of Practice on Public Access to Information. It noted the Panel's view that any review of the Code of Practice should in fact be commissioned by the Committee; accordingly it had declined to accede to the Committee's request. Moreover, and following the Committee's decision not to proceed with the draft Law in the current circumstances, the Panel had decided to defer its review of the resource implications of the draft Law.

Following careful consideration of all consultation responses received, and having considered individual members' experiences of the Code of Practice, the Committee remained of the view that the introduction of the draft Law in its current form could be expected to generate significant resourcing issues for the States. These might include the need for the States of Jersey to employ up to 10 additional officers to administer the Law. In view of the anticipated resource requirements, and a marked shortage of evidence that the existing Code of Practice was failing, the Committee concluded that its decision to defer proceeding with the draft Law was entirely justifiable. Nevertheless, there was broad agreement among members that the Committee should, prior to making any formal announcement to

the States Assembly, take all reasonable steps to satisfy itself that the draft Law would not provide a more cost-effective tool for ensuring appropriate public access to official information.

Having acknowledged the position adopted by the Corporate Affairs Scrutiny Panel, the Committee concluded that it should consider further the draft Freedom of Information (Jersey) Law 200- in early course. To that end the Committee resolved to meet on Wednesday 30th January 2008 following the conclusion of the next scheduled meeting of the States Assembly.

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

A3. The Committee, with reference to its Minute No. B3 of 8th January 2008, considered a report concerning consultation undertaken on the Machinery of Government Review (R.105/2007 refers).

It was reported that 31 questionnaires had been returned by States members and that several further questionnaires were due to arrive at the States Greffe in early course. The process of collating responses had begun and it was anticipated that a report would be presented to the Committee at its next scheduled meeting. Meetings with the Council of Ministers and the Public Accounts Committee to discuss the Committee's recommendations were being arranged on 7th and 11th February 2008 respectively. A meeting with the Chairmen's Committee would also be arranged following the conference on 6th February 2008.

Turning to the matter of the conference entitled 'What is Scrutiny?', the Committee was informed that the event would be held on 6th February 2008. A suitable programme had been finalized, beginning with a review of Projet No. P.79/2003 entitled, 'Machinery of Government: establishment of Scrutiny Panels and Public Accounts Committee'. A significant number of States members and senior officers had indicated that they would attend the conference.

The Committee considered correspondence submitted by Deputy R.G. Le Hérisier of St. Saviour concerning R.105/2007. In particular it noted that Deputy Le Hérisier had invited the Committee to consider whether the Island continued to be governed by consensus following the introduction of the ministerial system. Deputy S.C. Ferguson suggested that it might also be appropriate for the Committee to reconsider the merits of collective responsibility in due course.

The Committee noted the position.

States of Jersey
Law 2005:
election and term
of office of Chief
Minister.
450/1(11)
450(8)

A4. The Committee considered a report, dated 18th January 2008 and prepared by the Committee Clerk, concerning the election and term of office of the Chief Minister.

It was reported that Connétable M.K. Jackson of St. Brelade had received correspondence from a member of the public in which the correspondent had proposed limiting the term of office for a chief minister to a maximum of 3 terms. In view of the proposed reduction in the term of office for Senators, as had been proposed in the draft States of Jersey (Amendment No.5) (Jersey) Law 200-(P.183/2007 refers), the correspondent had also suggested that the attraction of the rôle of Senator could be increased by introducing a requirement that only elected Senators could be nominated for election to the office of Chief Minister.

The Committee recalled that on 15th January 2008, P.183/2007 had been rejected by

the States Assembly. During the course of that debate, a number of States

members had indicated that the Assembly should refrain from carrying out further piecemeal reform in 2008.

The Committee concluded that its priority for 2008 was to progress the implementation plan for the Machinery of Government Review (R.105/2007 refers). On that basis it agreed that the matter should be deferred until such time as the Committee was reconstituted following the 2008 elections.

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

Appointments
made by the
States Assembly.
1240(158)

A5. The Committee, with reference to its Minute No. A1 of 26th October 2006, considered the matter of appointments made by the States to various bodies.

The Committee recalled that on 16th January 2008 the States Assembly had debated the proposition entitled, 'Employment Tribunal: appointment of members' (P.180/2007 refers). During the course of that debate, a number of States members had questioned whether the States should continue to be involved in the appointments process and reference had been made to the comment presented to the States by the Committee in response to P.119/2006 entitled 'Waterfront Enterprise Board: appointment of Chairman - publication of transcript of *in camera* debate'.

The Committee recalled that it had been required to progress a number of important matters during 2007 including, but not exclusive to, the Machinery of Government Review, several complaints regarding the conduct of States members and a number of matters concerning electoral reform. Therefore, it had hitherto not been possible to allocate its limited resources to a review of the process of appointments made by the States Assembly. Consequently the Council of Ministers had not yet been invited to consider the list of appointments made by the States and to determine whether it continued to be appropriate for the States to make those appointments. The Committee nevertheless agreed that, as the issue had again been raised in the States Assembly, it should now progress the matter.

A list of appointments made by the States Assembly during 2007 was presented to the Committee, together with a list of appointments made since 1999 following in camera debates.

The Committee concluded that, in the first instance, the Chairman should write to the Chairman of the States Employment Board seeking the views of the Board on the issue.

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

Senator S.
Syvret: breach of
Standing Orders.
1240/9(117)

A6. The Committee, with reference to its Minute No. B5 of 12th December 2007, recalled that it had previously noted correspondence dated 11th December 2007 from Connétable K.P. Vibert, Chairman of the Comité des Connétables, concerning the content of the traditional Christmas speech delivered on 5th December 2007 by Senator S. Syvret. **It agreed that the Chairman should write to the Chairman of the Comité des Connétables acknowledging receipt of the letter and clarifying the Committee's decision on the matter.**

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

Photographic
identification for

A7. The Committee, with reference to its Minute No. A2 of 17th October 2007, considered correspondence received from States members concerning the possibility

States members.
465/1(76)

of issuing identification cards for States members.

The Committee noted that only 10 States members had responded. Of those, 8 indicated that they would wish to be issued with an official I.D. card. The remaining 2 members stated that I.D. cards should not be issued. Those against had concluded that official cards were not necessary, while one member had also expressed concern that it might subsequently become a requirement that States members carried their cards.

The Committee concluded that the low number of responses received indicated a lack of support for the initiative; accordingly it elected not to pursue the matter and agreed that all States members should be advised of the position.

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

Draft Public
Elections
(Amendment
No.2) (Jersey)
Law 2008
(Appointed Day)
Act 200-, and
draft Public
Elections
(Amendment
No.2) (Jersey)
Regulations 200-
424(1)
424/1(3)

A8. The Committee considered the draft Public Elections (Amendment No.2) (Jersey) Law 2008 (Appointed Day) Act 200-, together with the Public Elections (Amendment No.2) (Jersey) Regulations 200-.

The Committee noted that the Appointed Day Act and Regulations would give effect to the Law approved by the States to reduce the voting age from 18 to 16. It further noted that the Law had been sanctioned by the Privy Council in December 2007 and registered in the Royal Court on 4th January 2008. Members were advised that the Comité des Connétables had considered and endorsed both items of draft legislation at its meeting held on 21st January 2008. There had been agreement that bringing the change into force on 1st April 2008 would enable the necessary forms to be sent out to potential electors to enable the newly enfranchised younger voters to register in good time before the forthcoming elections.

The Committee approved the draft Public Elections (Amendment No.2) (Jersey) Law 2008 (Appointed Day) Act 200-, together with the Public Elections (Amendment No.2) (Jersey) Regulations 200- and agreed that both items should be lodged 'au Greffe' on or before 29th January 2008, with a view to securing a provisional date for debate of 11th March 2008.

On a related matter, Deputy J.G. Gallichan invited the Committee to consider launching a campaign to encourage student voters to register for a postal vote prior to leaving the Island to attend university courses. It was agreed that the Committee should be presented with a report outlining the publicity campaign and associated other work overseen by the Electoral Registration Steering Group in 2005.

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

