

PRIVILEGES AND PROCEDURES COMMITTEE

(66th Meeting)

15th June 2010PART A

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

Connétable J. Gallichan of St. Mary, Chairman
 Senator B.I. Le Marquand (not present for item Nos. A7, A8, B1 and B2)
 Connétable P.F.M. Hanning of St. Saviour
 Deputy J.B. Fox
 Deputy J.A. Martin (not present for item Nos. A8, B1 and B2)
 Deputy C.H. Egré

In attendance -

Connétable J.M. Réfault of St. Peter (item No. A5 only)
 N. Wells, Director, Information Services (item No. A6 only)
 M.N. de la Haye, Greffier of the States (not present for item No. A7)
 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 meeting of 1st June (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

Draft Freedom of Information (Jersey) Law 201- 670/1(21) A2. The Committee, with reference to its Minute No. A6 of 27th April 2010, received the Draft Freedom of Information (Jersey) Law 201- and the draft accompanying report.

The Committee considered the content of the draft report and noted the comparison of provisions contained within the draft legislation and the currently adopted Code of Practice for Public Access to Official Information. The Committee discussed whether a person or company would be able to dispute the content of information pertaining to them following its release under the Law. It was noted that, in accordance with the draft legislation, the Information Commissioner could issue a practice direction to provide that, as a courtesy, relevant parties should be informed that information pertaining to them was due to be released. It was noted that information would only need to be assessed in respect of the provisions of the Law upon receipt of a request for its release.

It was **agreed** that the Draft Freedom of Information (Jersey) Law 201- should be forwarded to H.M. Attorney General for an assessment of its human rights compliance and of penalties. It was **agreed** that members would give in-depth consideration to the draft accompanying report, and forward any comments or amendments to the Deputy Greffier of the States by close of business on Monday 5th July 2010. The Committee **agreed** that it intended to sign off the draft report and proposition on 13th July 2010, to be lodged 'au Greffe' for debate on 19th October 2010. A briefing for all States members would be held on 20th September 2010.

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

Machinery of
Government.
465/1(136)

A3. The Committee, with reference to its Minute No. A3 of 18th May 2010, welcomed Connétable J.M. Réfault, who had been invited to address the Committee in connexion with the machinery of government in the Isle of Man.

The Connétable had been invited to address the Committee in the light of the recommendation of the States Business Organisation Sub-Group that a review should be undertaken into the machinery of government in Jersey (R.59/2010 refers). The Committee noted that it would hold further discussions in this respect upon its consideration of the proposition of Senator A. Breckon, entitled – Machinery of Government: amended structure, lodged ‘*au Greffe*’ on 3rd June 2010 (P.70/2010 and Minute No. A5 of the present meeting refers).

The Committee heard from Connétable Réfault and noted that he and Deputy J.B. Fox had recently visited the Isle of Man for the Commonwealth Parliamentary Association British Islands and Mediterranean Region Conference. Connétable Réfault considered that Jersey could benefit from detailed consideration of the Isle of Man system of government, wherein the Chief Minister was nominated by Tynwald, and the Ministers were appointed upon the recommendation of the Chief Minister. Ministers were then assigned to each Department by the Chief Minister and Assistant Ministers would be appointed to oversee specific areas within each Department. The Connétable advised the Committee that this resulted in a significant level of involvement from all members, and a corresponding sense of responsibility and ownership. The Connétable concluded that there was a requirement to amend the current system of government in Jersey in order to allow all States members to feel actively engaged.

Connétable Réfault, having been thanked the by the Chairman for his attendance, withdrew from the meeting.

Information
technology
provision for
States members.
1240/9/1(137)
871(11)

A4. The Committee, with reference to its Minute No. A4 of 18th May 2010, gave further consideration to the provision of information technology for States members. The Committee welcomed the Director of Information Services, Mr. N. Wells, in this connexion.

The Committee discussed the provision of BlackBerries and broadband connections for States members with Mr. Wells, as well as the operating systems currently supported by the Information Services Department. It was **agreed** that there was a requirement for the information technology provision for States members to be standardised and a discussion ensued in respect of the options available. In conclusion, it was **agreed** that Mr. Wells would provide the Committee with a schedule detailing the products and services currently provided to States members, the cost of those products and services, and the Departments responsible for meeting the costs. Mr. Wells would also investigate the ability of Information Services to support Apple technology.

It was **agreed** that all the facilities currently available to States members should be examined in conjunction with those which may be of benefit, and a proposal drawn up which would enable members to opt into an information services package within a specific cost envelope, with the option of requesting additional facilities at their own cost.

Machinery of
Government:

A5. The Committee received the proposition entitled – Machinery of Government: amended structure, lodged ‘*au Greffe*’ on 3rd June 2010 by Senator A. Breckon

amended
structure.
P.70/2010.
450/2/1(26)

(P.70/2010 refers).

The Committee noted that the proposition asked the States to decide whether the current system of government in Jersey should be amended, with a view to a revised system being introduced in 2011 after the next ordinary elections. The Committee, with regard to its Minute No. A3 of the present meeting, noted that it was in the process of carrying out work in relation to the current system of government following the publication of the report of the States Business Organisation Sub-Group (R.59/2010 refers). Consideration would now be given to the establishment of a review into the machinery of government, in accordance with the Sub-Group's recommendation. It was therefore **agreed** that the Committee would wish to discuss the content of Senator Breckon's proposition with him prior to its scheduled debate on 6th July 2010. It was also **agreed** that it would be preferable for the debate to be deferred until the machinery of government review had been undertaken. The Committee noted that consideration would need to be given to the method, cost, and expediency of commissioning such a review.

The Chairman was accordingly **requested** to invite Senator Breckon to attend a Committee meeting to discuss the proposition, with a view to its deferral in order for a full review to be undertaken into the current system of government. It was also **agreed** that an amendment to the proposition should be drafted which, if adopted, would require the Committee to evaluate the options set out in the proposition, rather than require their adoption, should Senator Breckon decline to defer the debate.

The Committee Clerk was requested to take the necessary action.

States Members'
Remuneration
Review Body.
1240/3(73)

A6. The Committee, with reference to its Minute No. A2 of 1st June 2010 welcomed the Chairman of the States Members' Remuneration Review Body, Mr. J. Rogers, and Remuneration Body members Mr. J. Mills, Mr. B. Bullock, and Mr. M. Dubras in connexion with the ongoing consideration of members' remuneration.

Mr. Rogers thanked the Committee for the opportunity to discuss the work being carried out by the Review Body. The Committee discussed the position in respect of the possible provision of pensions for States members, with regard to the current economic situation and the Comprehensive Spending Review. Consideration was also given to the level of basic remuneration for States members and allowances. It was agreed that, should the Committee wish to refer the matter of allowances to the Review Body, it would be willing to consider making recommendations in this respect. With regard to the status and terms of reference of the Review Body, the Committee noted that, currently, the terms of office of its members expired concurrently. It was agreed that it may be preferable for some continuity to be established, with the appointment of members being on a rolling basis.

It was **agreed** that the Review Body and the Committee should meet on an annual basis. It was also **agreed** that the Review Body would produce a report containing its recommendations for 2011 and would then be in a position to produce a report in connexion with members' remuneration for the first year of the newly-elected Assembly.

Standing Order
168 of the
Standing Orders
of the States of
Jersey.
P.63/2010 (re-
issue).
450/2/1(17)

A7. The Committee, with reference to its Minute No. A3 of 1st June 2010 received a draft comment in connexion with the proposition entitled - Disposal of States Property: revised procedure, lodged '*au Greffe*' on 25th May 2010 by Deputy P.V.F. Le Claire of St. Helier (P.63/2010 refers).

The Committee recalled that the proposition asked the States to decide whether revised procedures should be introduced in respect of Ministerial Decisions made under the provisions of Standing Order 168. The content of the Committee's draft comment reflected the discussions held with Mr. P. Griffin, Principal Valuer, Property Holdings, and Mr. M. Grant, Assistant Director, Property Holdings, at the

Committee's meeting on 26th January 2010.

The Committee, having considered the content of the draft comment, accordingly **approved** the same and requested that it be forwarded to the Director, Property Holdings, for consideration, prior to being presented to the States.

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

Matters arising.

A8. The Committee noted the following matters arising:

- (i) the Chairman would attend a hearing of the Corporate Services Scrutiny Panel on Friday 18th June 2010 in connexion with the Panel's review of the Comprehensive Spending Review. The Committee received a question plan prepared by the Panel and discussed possible responses in respect of Committee's decision to participate in the Comprehensive Spending Review.
- (ii) the Committee noted its ongoing work programme, with particular regard to the duplication of written and oral questions in the States. It was **agreed** that it would be acceptable for a member to answer only one duplicated question, and, in answer to the remaining question, to simply refer to the former response.