

AG/SC/020

PRIVILEGES AND PROCEDURES COMMITTEE

(3rd Meeting)

11th January 2012**PART A**

All members were present, with the exception of Senator S.C. Ferguson and Deputy M. Tadier, from whom apologies had been received.

Connétable A.S. Crowcroft of St. Helier, Chairman  
 Senator Sir P.M. Bailhache  
 Connétable L. Norman of St. Clement  
 Deputy J.A. Martin  
 Deputy K.L. Moore

In attendance -

Senator I.J. Gorst, Chief Minister (Item No. A9 only)  
 Mrs. A.H. Harris, Deputy Greffier of the States  
 Mrs. A.C. Goodyear, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A only.

Minutes.

A1. The Minutes of the meeting of 14th December 2011 (Part B), having been previously circulated, were taken as read and were confirmed.

The Committee agreed an amendment to item A19 of the Minutes of the meeting of 14th December 2011 (Part A), and requested that the revised draft be circulated in due course for confirmation at the next scheduled meeting.

Electoral  
 Commission.  
 1240/22/1(59)

A2. The Committee, with reference to its Minute No. A5 of 4th January 2012, received a revised draft proposition and accompanying report entitled: 'Electoral Commission: composition and terms of reference'. The Committee also received electronic correspondence dated 9th January 2012 from Mr. D. Wimberley in connexion with the Committee's proposals in this regard.

The Committee recalled that it had agreed, by a majority, at its meeting of 14th December 2011, to draft a proposition that would enable a member of the States to be appointed to serve on the proposed Electoral Commission. Upon receipt of the draft proposition at its meeting on 4th January 2012, it had agreed by a majority to amend the draft so as to propose that three members of the States be appointed to the Commission. It had further agreed to propose that three independent members be appointed to the Commission and that certain elements of the proposed terms of reference of the Commission, as had been previously been approved by the States in its adoption on 15th March 2011 of the proposition 'Electoral Commission: establishment' (P.15.2011 refers), should be removed. The Committee recalled that P.15/2011 had been lodged *au Greffe* on 31st January 2011 by the former Deputy of St. Mary and noted the content of correspondence from Mr. D. Wimberley in relation to the Committee's current proposals in respect of the proposed Commission.

The Committee had regard for the draft accompanying report and agreed certain

amendments therein. It was noted that, should the Committee proceed to lodge *au Greffe* the draft proposition, 'Electoral Commission: composition and terms of reference,' it would be possible for a States member to lodge an amendment to propose that the Commission should instead be comprised of a specified number of independent members and no members of the States, for example. It was suggested that, should the Committee agree to lodge the proposition, the Chairman should invite another member of the Committee to act as rapporteur, his dissent having been recorded in respect of the decision to propose that three members of the States be appointed to serve on the Commission. Deputy J.A. Martin advised that she would consider composing a minority report in relation to the proposition and would discuss this with Deputy M. Tadier in due course. Deputy Martin was advised to liaise with the Deputy Greffier of the States should she wish to proceed with the preparation of a minority report.

The Committee, having discussed the matter, accordingly agreed by a majority to lodge the proposition, 'Electoral Commission: composition and terms of reference,' *au Greffe* for debate by the States on 6th March 2012. The Deputy Greffier of the States was requested to take the necessary action.

Committee  
reviews.  
465/4(10)

A3. The Committee, with reference to its Minute No. A5 of 14th December 2011, received a report in connexion with a series of reviews which it proposed to undertake in early course.

The Committee considered the four broad topic areas as follows:

(i) Composition of the States

It was noted that work in relation to the composition of the States, including the number of members; the categories of membership and the method of election, should be undertaken by the proposed Electoral Commission. It was noted that the Electoral Commission would require a project officer on secondment to manage day-to-day operational matters such as public consultation, research and public meetings and that a budget of £200,000 for the Commission's work had been agreed in the Annual Business Plan.

(ii) Machinery of government

Although it had been suggested that the Electoral Commission could review areas including the structure of ministerial government; the 'Troy' rule; and Assistant Ministers serving on scrutiny, it was felt that these areas did not fall within the remit of the Commission as initially proposed. A separate review of the machinery of government was instead proposed, which would be required to co-ordinate with the work of the Electoral Commission and would involve the Council of Ministers, Scrutiny and all other States members. Deputy K.L. Moore expressed an interest in being appointed to a sub committee to review the machinery of government. It was agreed that the matter would be discussed further during the present meeting with the Chief Minister (Minute No. A9 of the present meeting refers).

(iii) Internal procedures of the States

It was noted that the consideration of internal procedures, including the time management of States business; question time; appointment procedures; ballot procedures; the elected Speaker and the role of the Dean fell within the remit of the Committee. Should a review of Standing Orders and the internal procedures of the States be progressed, it was noted that wide consultation with other members of the States would be required and that it should be possible to provide officer support. The Chairman, Connétable A.S. Crowcroft, indicated that he would wish to Chair the sub committee responsible for the review. Senator Sir P.M. Bailhache indicated that he

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would wish to be appointed as a member of the sub committee. It was agreed that expressions of interest should be invited from all States members. The Committee Clerk was requested to take the necessary action.

(iv) Public Elections (Jersey) Law 2002

The Committee noted that it had agreed to establish a sub committee to undertake a review of the Public Elections (Jersey) Law 2002 and the October 2011 elections and that the matter would be discussed further during the present meeting (Minute No. A4 of the present meeting refers).

Public  
Elections sub  
committee.  
424/2(83)

A4. The Committee, with reference to its Minute No. A6 of 14th December 2011, recalled that it had agreed to proceed with a review of the Public Elections (Jersey) Law 2002 and had invited elected members to express an interest in serving on a sub committee to undertake the review.

It was noted that the review would include areas such as: the period between nomination meetings and election day; measures for the taking of pre-poll votes; online voter registration; electronic voting; a single electoral register; the deadline for voter registration; the issuing of the manifesto document and the number of spoil papers. It was noted that the Vice Chairman, Deputy M. Tadier; Deputy G.P. Southern; Deputy J. Maçon and Deputy E.J. Noel had expressed an interest in serving on the sub committee. Deputy R.G. Le Hérisier had also expressed an interest in serving on the sub committee, dependant upon the time commitment required. It was estimated that the review would take no longer than six months.

Senator Sir P.M. Bailhache expressed reservations in relation to the request from Deputy G.P. Southern that he be appointed to the sub committee. Senator Bailhache emphasized that he was not impugning the character of Deputy Southern, but he considered that this would be entirely inappropriate given the Deputy's previous conviction for a breach of the Public Elections (Jersey) Law 2002. The Committee discussed the matter and the view was expressed that the Deputy's previous conviction was not relevant; that the Deputy had since been re-elected; and that Deputy Southern's experience could assist the work of the sub committee. The Committee was minded to invite Deputy Tadier to chair the sub committee and to appoint to the sub committee those members who had expressed an interest in this regard.

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

Parliamentary  
support  
facilities.  
1240/9/1(151)

A5. The Committee, with reference to its Minute No. A15 of 14th December 2011, gave further consideration to the provision of parliamentary support facilities and received the results of a questionnaire which had been circulated to members of the States in 2009 by the Committee as previously constituted in this regard.

The Committee recalled that it had been minded to undertake a review of the facilities currently available to States members. Having noted the responses received to the 2009 questionnaire and the various actions taken by the Committee as previously constituted in response, it was suggested that an appropriate way forward would be to consider items relating to facilities as and when they arose, rather than as part of an overarching review. Incremental improvements could accordingly be made during the Committee's term of office. It was further noted that certain matters pertaining to the general management and maintenance of the current facilities would be progressed by the Chairman and the States Greffe, and would not need to be referred to the Committee.

Code of  
Practice on

A6. The Committee, with reference to its Minute No. A17(iii) of 14th December 2011, received an oral report from the Deputy Greffier of the States in connexion

Public Access  
to Official  
Information.  
955(52)

with the Code of Practice on Public Access to Official Information.

The Committee was advised that work was being carried out to improve the information that was available online and in booklet form in respect of the Code. The position was noted.

Ongoing work  
programme.

A7. The Committee, with reference to its Minute No. A17 of 14th December 2011, noted the content of its ongoing work programme, including the provision of reports in relation to items to be discussed at its next scheduled meeting.

Chairmen's  
Committee  
matters:  
Provision of  
Blackberries  
for members  
871(11)

A8. The Committee, with reference to its Minute No. A20 of 14th December 2011, received an oral report from the representative of the Chairmen's Committee, Deputy K.L. Moore of St. Peter.

Deputy Moore apprised the Committee of the following matter, which she had been requested to refer to the Committee by the Chairmen's Committee:

(a) Blackberries

Scrutiny

The Chairmen's Committee was of the view that it would be appropriate for all States members to be offered the provision of a Blackberry for work purposes. It was noted that all members were able to request the provision of a Blackberry free of charge through the Information Services Department. Should a contract for the provision of a Blackberry be entered into with the provider, the relevant States member would be responsible for meeting the costs of any such contract. It was considered that members should be reminded of the current position.

Machinery of  
government:  
review.  
1240/22/1(61)

A9. The Committee, with reference to its Minute No. A3(ii) of the present meeting, gave further consideration to the establishment of a review of the machinery of government and welcomed the Chief Minister, Senator I.J. Gorst in this regard.

The Committee recalled that on 19th May 2011 the States had adopted the proposition of Deputy M. Tadier entitled: 'Standing Orders: selection and appointment procedures,' (P.61/2011 refers) and had thereby agreed that the Privileges and Procedures Committee should undertake to review various matters under Standing Orders. It had been agreed by the Committee as previously constituted that these matters could be covered as part of the review of the machinery of government that had been proposed by the Council of Ministers in its proposition 'Machinery of Government Review' (P.76/2011 refers), however, the aforementioned proposition had been withdrawn on 12th September 2011 without debate.

The Chief Minister did not consider it necessary for a review as extensive as that which had been proposed by the Council of Ministers in P.76/2011 to be undertaken at the present time. Rather, it was proposed that a review of those matters raised in P.61/2011 would be sufficient. The Chief Minister considered that such a review would fall within the remit of the Privileges and Procedures Committee, although there could be some involvement from the Council of Ministers, perhaps through the appointment to the review body of those Ministers and/or Assistant Ministers who were members of the Committee. The view was expressed that coordination would be required between those undertaking a review of the machinery of government and those appointed to serve on the proposed Electoral Commission. The Chief Minister considered it appropriate that both pieces of work be completed and implemented within the course of three years. The Committee considered the matter of resources, and the Chief Minister

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suggested that a sub committee could be established by the Privileges and Procedures Committee with funding met from existing funds, should the budget be available.

The Committee took the opportunity to advise the Chief Minister of its intention to lodge for debate the proposition: ‘Electoral Commission: composition and terms of reference’ (Minute No. A2 of the present meeting refers). It was also noted that a sub committee was due to be established to consider public elections (Minute No. A.4 of the present meeting refers).

Having been thanked by the Chairman for his attendance, the Chief Minister accordingly withdrew from the meeting.

Deputy K.L. Moore; Deputy J.A. Martin and Connétable L. Norman expressed an interest in being appointed to the sub committee to review the machinery of government. It was agreed that expressions of interest should be sought from all States members in this regard.

Draft  
Amendment  
(No.18) of the  
Standing  
Orders of the  
States of  
Jersey: online  
publication of  
the register of  
members’  
interests.  
450/2/(19)

A10. The Committee, with reference to its Minute No. A13 of 14th December 2011, received the Draft Amendment (No.18) of the Standing Orders of the States of Jersey, in connexion with proposals for the online publication of the Register of interests of elected members.

The Committee recalled that the States Assembly had requested the Committee to draft the aforementioned amendment to Standing Orders following its adoption on 9th June 2011 of the proposition: ‘Standing Orders: publication of Register of members’ interests’ (P.69/2011 refers). The content of the Official Report (“Hansard”) of the debate of 9th June 2011 was noted. During the debate a number of concerns had been raised by States members in relation to the proposal to publish the information online. Concern had been expressed that internet publication of the Register might put members or their families at risk of kidnap or other danger; that, although internet publication of a member’s own interests was acceptable, it was not appropriate to publish the interests of a spouse or partner online; that the current requirements in relation to interests that had to be registered were not suitable for online publication; and that online publication would lead to members arranging their affairs in different ways so as to avoid the need to register. Should members have concerns in relation to online publication of the Register, it would be possible for a clause to be drafted which would, for example, enable a member to notify the Greffier that he or she did not wish to have his or her interests published online and for a note to that effect to appear on the website.

The Committee discussed the matter and noted that it was presently possible for a member of the public to view the Register at the States Information Centre, to note down the content therein, and to publish their notes online. It was also noted that it was not a criminal offence for a member to fail to declare their interests, or those of a spouse or cohabitee. The Committee, having considered the matter, accordingly agreed to lodge the Draft Amendment (No.18) of the Standing Orders of the States of Jersey *au Greffe* for debate by the States.

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