

PRIVILEGES AND PROCEDURES COMMITTEE

(42nd Meeting)

11th April 2007PART A

All members were present.

Connétable D.F. Gray of St. Clement - Chairman
 Senator M.E. Vibert
 Connétable K.A. Le Brun of St. Mary
 Deputy G.C.L. Baudains
 Deputy C.H. Egré
 Deputy J. Gallichan

In attendance -

M.N. de la Haye, Greffier of the States
 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 28th February 2007 (Part B only), 7th March 2007 (Part A and Part B) and 21st March 2007 (Part A only), having been previously circulated, 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. A2 of 7th March 2007, considered the Draft Freedom of Information (Jersey) Law 200-.

The Committee recalled that Senator Syvret had met with the Deputy Greffier on 1st February 2007 to discuss amendments to the exemptions, these had been considered by the Law Draftsman and a revised version had been prepared for consideration. The Committee noted that a number of queries had been raised by Senator Syvret and was advised that these had been included in the draft Law together with the response of the Law Draftsman.

The Committee, having considered the comments and subject to certain amendments, accordingly agreed to request the Corporate Services Scrutiny Panel to scrutinise the draft Law and to review the resource implications of introducing the Freedom of Information Law.

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

Questions without Notice to Ministers.
 1240/1/2(34)
Encl.

A3. The Committee received and considered a report dated 14th March 2007, prepared by the Greffier of the States in connexion with Questions Without Notice to Ministers.

The Committee was advised that the Bailiff would like to know its views on the manner in which members should be called to ask Questions Without Notice to Ministers and, in particular, whether other Ministers should be called to ask questions when there were other members waiting to ask a question. On 17th January 2006, at the first ever session of Questions Without Notice, the Deputy Bailiff had indicated that he would normally give preference to members who were not part of the Executive but, in default, the Chair would accept questions from any

member. In practice the Chair had not placed any restriction on Assistant Ministers wishing to ask questions but Ministers had not normally been called if other members were waiting to ask questions. The Bailiff had noted that, on a number of occasions during the Questions Without Notice period, certain Ministers had indicated a desire to question their ministerial colleagues but, in line with the view expressed by the Deputy Bailiff on 17th January 2006, these Ministers had not normally been called. The Bailiff was conscious that this policy had never been referred to the Privileges and Procedures Committee and he had requested to be advised of the Committee's views on whether the current policy was appropriate or whether the Committee felt that Ministers should be treated equally during the Questions Without Notice period.

The Committee agreed that the present policy of Ministers not being called to ask questions of other Ministers unless there were no other members waiting to be called was appropriate. However, it was also suggested that an Assistant Minister should not be permitted to question his or her own Minister. The Committee agreed that the Bailiff should be requested to remind members of the abovementioned policy at the next States meeting.

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

Code of Conduct
for Elected
Members.
1240/9/1(110)

A4. The Committee, with reference to its Minute No. B2 of 7th March 2007, considered a report prepared by the Greffier of the States in connexion with the Code of Conduct for Elected Members.

The Committee recalled that it had agreed to review the provisions of the Code of Conduct for Elected Members to assess whether any changes were appropriate in light of recent investigations.

Although Members felt that some minor changes could be made to enhance and clarify the Code, the Committee, having considered the relevant part of Standing Orders and the Code itself, agreed that it would not bring any amendments to the Code at the present time.

On a related matter, the Committee felt that members should be reminded of their duty, in accordance with the terms of their oath of office to be in attendance at all States meetings unless they had very compelling reasons not to do so. The Committee felt that as the schedule of States dates for the year was issued several months in advance members were given plenty of notice to enable them to arrange their holidays around these dates.

The Committee also discussed the way in which arrangements were made to deal with the consideration of Public Business in the Assembly when consideration of the items listed for debate was not concluded by 5.30 p.m. on any particular day. Although the Committee recognised that members were free to take a view on the appropriate manner in which to proceed on each occasion it was agreed that there were 2 important principles that members should be reminded of. Firstly, the schedule of States dates for the year, issued several months in advance, now set out a very clear programme of 2 possible continuation days for each States meeting so that members knew which days to keep free of other commitments in their diaries. Secondly, Standing Orders provided that the States should normally adjourn by 5.30 p.m. unless the States decide to do otherwise.

It had been noted that there had been a number of occasions in recent months when members had decided to carry on much later than 5.30 p.m. rather than come back on a scheduled continuation day the following day. The Committee agreed that this was not a satisfactory way in which to deal with outstanding business. Many members had parish, family or other commitments in the evening and needed to make plans on the basis that the work of the Assembly would conclude by

5.30 p.m. or shortly thereafter. When the Assembly decided to sit late into the evening it was often the case that a number of members' with other unavoidable commitments had to leave and were unable to participate in debates and votes. Although it was recognised that members must give due priority to attendance in the Chamber, the Committee felt it was unreasonable to expect members to be available into the evening on any day when there was a scheduled continuation day the following day.

The Committee agreed that members should be requested to bear these considerations in mind when this situation arose in the future. As decisions on these issues were taken by a majority vote it would be easy for the minority who had family and other commitments to be prejudiced if members voted to sit late rather than come back on a day that should already be set aside for States business in their diary.

The Committee agreed that the Chairman should make a statement in the abovementioned terms at the next States meeting.

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

Matters for
information.

A5. The Committee noted the following matters for information -

- (a) correspondence dated 8th March 2007 sent to all members of the States regarding the Composition and Election of the States Assembly - "in Committee" meeting of the States;
- (b) correspondence dated 9th March 2007 sent to the Comité des Connétables regarding the Jersey Electoral Register; and
- (c) correspondence dated 23rd March 2007 sent to H.M. Attorney General regarding the Reform of the Composition of the States Assembly.