

PRIVILEGES AND PROCEDURES COMMITTEE

(57th Meeting)

30th March 2010PART A

All members were present, with the exception of Senator B.I. Le Marquand, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
 Deputy J.B. Fox
 Deputy J.A. Martin
 Deputy C.H. Egré
 Deputy M. Tadier (not present for item Nos. A3 to A7 and B2 to B6 inclusive)
 Deputy M.R. Higgins

In attendance -

M.N. de la Haye, Greffier of the States
 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.

States Assembly
 annual report
 2009.
 1240/25(4)

A1. The Committee received the draft States Assembly Annual Report 2009, and an associated report prepared by the Greffier of the States, dated 23rd March 2010.

The Committee recalled that it was required by Standing Orders to produce an annual report of the work of the Assembly, and that 3 such reports had been presented since the requirement had been introduced. The Committee noted that the Chairmen's Committee was required by Standing Order 143(d) to produce an annual report for inclusion in the overall report. This had been approved by the Chairmen's Committee and was attached as Section 4.

The Committee **approved** the report for presentation to the States and asked the Chairman to write an appropriate introduction. The Greffier of the States was also **requested** to invite the Bailiff, as President of the States, to write a foreword to the report.

Draft Freedom of
 Information
 (Jersey) Law
 201-.
 670/1(14)

A2. The Committee, with reference to its Minute No. A1 of 22nd March 2010, recalled the visit to Jersey of Mrs. J. Dilbert, M.B.E., J.P., Information Commissioner, Cayman Islands, in connexion with the Draft Freedom of Information (Jersey) Law 201-.

The Committee recalled that Mrs. Dilbert had provided an insight into the challenges and opportunities faced through the establishment and operation of a freedom of information law through her own experiences in the Cayman Islands. The Chairman was **requested** to write to Mrs. Dilbert to thank her for taking the time to address the Committee, officers and States Members on the implementation of freedom of

information legislation in the Cayman Islands.

It was also noted that the Chairman, Deputy J.B. Fox, Deputy C.H. Egré and Deputy M.R. Higgins, would attend a meeting of the Council of Ministers on 1st April 2010 to discuss the draft Freedom of Information (Jersey) Law 201-. The Committee recognised that the Council of Ministers was likely to express concern regarding the possible resource and manpower costs associated with the implementation of freedom of information legislation. The Committee noted the position in respect of fees for the provision of information in the United Kingdom and **agreed** to hold further discussions in respect of the Draft Freedom of Information (Jersey) Regulations 201- at a future meeting.

Resignation of
Deputy M.
Tadier.
465/1(144)

A3. The Committee received correspondence addressed to the Chairman from Deputy M. Tadier, dated 30th March 2010, advising of his resignation from the Committee. Deputy Tadier was not present for this item.

Deputy Tadier sought to resign from the Committee with immediate effect; however, it was acknowledged that, in accordance with Standing Order 129 of the Standing Orders of the States of Jersey, a member of the Committee could only resign during a meeting of the States, by personally informing the States; or by giving written notice to the Bailiff. The Greffier of the States was **requested** to notify the Deputy accordingly. The Committee noted that Deputy Tadier would make a full statement in due course.

Review of the
Code of Conduct
for Elected
Members and
disciplinary
sanctions
1240/4(166)

A4. The Committee, with reference to its Minute No. A6 of 2nd March 2010, received a report prepared by the Greffier of the States in connexion with disciplinary sanctions, and a draft amendment to Standing Orders prepared by the Law Draftsman in accordance with the Committee's report: Code of Conduct for Elected Members and disciplinary sanctions: review, which had been presented to the States on 16th October 2009 (R.116/2009 refers). Deputy M. Tadier was not present for this item.

The Committee recalled that it had requested certain amendments to the draft report and proposition entitled: Draft Amendment (No. 13) of the Standing Orders of the States of Jersey. The revised draft made it clear that a suspension proposition brought by the Committee would not need any additional signatures, as the Committee would consist of 7 members and all decisions would be made by a majority in the usual way. Should the Committee decide not to go ahead with a suspension proposition after a proper investigation, any other member who decided to bring the proposition would require 6 signatures in order to prove a certain measure of support. It was noted that the report now specified that complaints would be dealt with as quickly as possible and that a protocol would be developed to set out the procedure for dealing with complaints.

Having considered the revised draft report and proposition, the Committee **requested** the Greffier of the States to lodge Draft Amendment (No. 13) of the Standing Orders of the States of Jersey '*au Greffe*' for debate by the States.

Composition and
election of the
States: Single
election day each
year.
1240/22/1(50)

A5. The Committee, with reference to its Minute No. A2 of 16th March 2010, gave further consideration to the appropriate date for the single election day in the autumn of 2011. Deputy M. Tadier was not present for the consideration of this item.

The Committee noted that 2011 would mark the end of the transitional arrangements for Connétables and all 12 Connétables would therefore need to be elected on the

same single election day as 6 Senators and all 29 Deputies. The Committee recalled that, on 16th March 2010, it had agreed that the elections should take place on Wednesday 19th October 2011, or, if a Saturday election had been introduced, on Saturday 15th October 2011. This would require an amendment to the States of Jersey Law 2005. The Committee discussed whether the introduction of a single election day should be linked to any wider reform, such as a 4-year term of office, a move to a spring election, or a reduction in the number of members. The Committee referred to extracts from the Official Report ('Hansard') of 10th September 2009 when the single election day proposal had been agreed by the States, and noted calls from members for the change to be brought forward in isolation. In order to allow the necessary amendments to the States of Jersey Law 2005 to be made in good time before the proposed single election day, it was agreed that the matter should be moved forward as soon as possible. It was therefore **agreed** that the Committee would pursue the matter of the single election date only at present, and that it would be minded to carry out a separate body of work in respect of any other reform measures, to be brought forward at a later date.

The Greffier of the States was accordingly **requested** to instruct the Law Draftsman to draft an amendment to bring into effect the single election date only. It was **agreed** that the States should be notified at the time of lodging that the Committee would look into other possible areas of reform separately.

Article 8(2) of
the States of
Jersey Law 2005.
450(9)

A6. The Committee, with reference to its Minute No. A3 of 3rd March 2010, received a report prepared by the Greffier of the States in connexion with the possible revision of Article 8(2) of the States of Jersey Law 2005. Deputy M. Tadier was not present for the consideration of this item.

The Committee noted that, in accordance with the current provision under Article 8 (2) of the States of Jersey Law 2005, a member would be disqualified if he or she had not been resident in Jersey for a period of 6 months. As such, a member could theoretically be elected for 6 years, reside in Jersey, never attend a meeting of the Assembly, and not be disqualified automatically. The Committee did not consider this position to be satisfactory, and recalled that at its meeting of 2nd March 2010 it had requested information about the provisions of the Public Elections (Jersey) Law 2002 relating to eligibility for electoral registration as a voter. In accordance with Article 5(1)(c) of the Law, electoral registration was linked to a period of 6 months ordinary residence. Accordingly there would not be any advantage in trying to link disqualification from the States to the conditions for electoral registration. The Committee discussed an alternative system of linking disqualification to a period of unexcused absence from the States. It was noted that, if this was considered appropriate, it might be necessary to provide that disqualification would arise from either a period of continuous absence, or from a given number of absences in a certain period of time. If the rule related to continuous absence only, a member could frustrate the process by attending the Assembly very infrequently to break the continuous period and avoid disqualification. The Committee noted that, should it wish to introduce a provision of this type it would only apply in cases of unexcused absence when the member was *en défaut*. It would be inappropriate for the rule to apply if a member had been unwell or was excused for a valid reason that had been accepted by members.

Having discussed various permutations, the Committee **agreed** that it would be minded to draft an amendment to Article 8(2) of the States of Jersey Law 2005 to provide that a member who was not resident in Jersey for a period of 3 months without the approval of the States Assembly, or who was *en défaut* for 12 consecutive States meeting days, would be disqualified. It was agreed that some

mechanism would need to be found to ensure that a member could not frustrate the system by coming periodically but not being absent for twelve consecutive meetings. The Greffier of the States was requested to take the necessary action.

Matters for information.

A7. The Committee noted the following matters for information:

- (a) correspondence sent by the Chairman following the Committee's meeting on 16th March 2010:
 - (i) to the President of the Chairmen's Committee dated 17th March 2010 regarding the report of the Media Working Party;
 - (ii) to Senator A. Maclean, Minister for Economic Development, regarding appointments to the Jersey Bank Depositors Compensation Board.
 - (iii) to Mr. B.R. Cooper, dated 24th March 2010, regarding the review of Crown appointments. The Committee noted that further correspondence had since been received from Mr. Cooper, dated 22nd March 2010, and it was agreed that the Committee had nothing to add to its previous correspondence.
- (b) its ongoing work programme, with particular regard to the following:
 - (1) the provision of facilities for States members. The Committee considered a number of possible locker solutions, and **agreed** that the views of members should be sought regarding their requirements;
 - (2) free mailing for election candidates. The Committee **requested** the Greffier of the States to contact Senator P.F.C. Ozouf, Minister for Treasury and Resources, to establish whether a meeting could be arranged with Jersey Post.
- (c) a possible anomaly in the Public Elections (Jersey) Regulations 2002. The Chairman advised that Form 3 in the Schedule to the Public Elections (Jersey) Regulations 2002 requested the elector number of the candidate being nominated, however, the Public Elections (Jersey) Law 2002 did not require a candidate to be registered as an elector. The Greffier of the States **agreed** to look into the matter.

Deputy M. Tadier was not present for the consideration of this item.