

PRIVILEGES AND PROCEDURES COMMITTEE

(72nd Meeting)

19th March 2008PART A

All members were present, with the exception of Senator M.E. Vibert, from whom apologies had been received. Deputy S.C. Ferguson was present for item Nos. A3, A5, A6 and B1. Deputy I. Gorst was present for item Nos. A1, A4 and B2.

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 S.C. Ferguson
 Deputy J. Gallichan
 Deputy I.J. Gorst

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 Meeting held on 5th March 2008 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

Draft States
 Assembly Annual
 Report 2007.
 1240/25(2)

A2. The Committee, with reference to its Minute No. A6 of 5th March 2008, received and considered the draft States Assembly Annual Report 2007.

The Committee recalled that Standing Orders required it to prepare an Annual Report on the work of the States Assembly and to present it to the States. Although the Committee had approved the majority of the States Assembly Annual Report for 2007 at its last meeting the Committee now gave consideration to a full consolidated version which included an Introduction which had been agreed with the Chairman.

The Committee, having been advised that the Bailiff had been requested to write a Foreword, accordingly approved the States Assembly Annual Report 2007 and requested that it be presented to the States as soon as the Bailiff's Foreword had been received.

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

Public Elections
 (Jersey) Law
 2002: proposed
 amendments.
 424(7)

A3. The Committee, with reference to its Minute No. A3 of 5th March 2008, received the draft Public Elections (Amendment No.) (Jersey) Law 200-.

The Committee recalled that it had considered law drafting instructions for the amendment following the work undertaken by the working party under the chairmanship of the Deputy of St. Mary. The Committee now considered the draft amending Law which had been prepared by the Law Draftsman.

Encl.

The Committee recalled that the law drafting instructions contained 2 separate provisions about the procedure for postal voting. The first was a proposal that the deadline for submitting a postal vote to the Judicial Greffe should be moved back from noon on the day before the poll to noon on polling day itself. The second proposal was that a voter who had received a postal vote but had not returned it to the Judicial Greffe should be able to vote in person at the polling station by producing the ballot paper received as part of the postal voting process. The Law Draftsman had identified a potential problem with these 2 proposals as she did not think it would be possible to, at the same time, allow a person registered to vote by post to vote at the polling station and push back the time by which a postal vote must be submitted to the Judicial Greffe at noon on the day of the poll itself. The Law Draftsman felt that the Judicial Greffier would need to deliver all of the paperwork under Article 45 to the Autorisé before the poll opened if the Autorisé was to have enough information to consider whether a person who had registered to vote by post should be permitted to vote at the polling station. The Law Draftsman suggested that there might be scope to push back the time for delivery of postal votes to the Judicial Greffier to a little later in the day, but still keep it on the day before the poll opened. The Committee was advised that, at present, postal votes which arrived at the Judicial Greffe on polling day were taken to the polling station and this amendment was merely to formalise that procedure in the Law. The Committee reasoned that the Judicial Greffe must submit all the necessary paperwork to the Autorisé the day before the poll but this would simply show a blank in the column for 'postal vote returned' on the Register. On the day of the poll the elector could return it late to the Judicial Greffe in which case the Judicial Greffe would arrange for it to be delivered to the polling station in question. The Autorisé would then note that it had now been returned and place it in the ballot box. If a postal voter arrived at the polling station with the ballot paper the Autorisé would see that he or she had not already returned it and allow the elector to vote. The Judicial Greffe would need to keep a copy of the lists of who had and hadn't returned votes after they gave the original paperwork to the Autorisé the day before the poll.

The Committee noted that the draft reflected its proposal to allow a person at risk of harm in case of identification to have his or her name excluded from the public register. The Law Draftsman had provided that the name would be excluded from the Register made available for inspection at the Parish Hall and from the Register supplied to the Public Library and the Judicial Greffe for public inspection. However, the Committee noted that as drafted the name would appear on the Register supplied to candidates at the time of the election. The Committee was of the opinion that this was inappropriate. It was agreed that the person's name should only be on the list provided to the Judicial Greffe and he/she should be required to either pre-poll or submit a postal vote, the Judicial Greffe would be responsible for certifying that it was a valid vote. The published register for public inspection and given to candidates should just have an electoral number for the excluded people with a note that the name had been withheld. The number would be used to link the postal or pre-poll vote for these people to the list that the Autorisé would use so that he or she could check the number of ballot papers issued/votes cast against the electoral list during the count.

The Committee recalled that it had considered the cost to the parishes of producing and posting polling cards and it had been suggested that this part of the Law should be subject to an Appointed Day Act pending discussions with the Comité des Connétables. The Committee agreed that polling cards, which would include the elector's registration details, the nature of the election(s), the polling station to be used and the opening times of the poll, would serve as a reminder to vote and in turn it was hoped would promote an increase in the voter turn-out. However, some

members were of the opinion that people would think that they could only vote if they had the polling card with them at the polling station and concern was also expressed that it could potentially result in bad publicity if people did not receive their polling cards. Following a detailed discussion on polling cards the Committee concluded that it would not proceed with the introduction of polling cards and it was requested that this be taken out of the draft Amendment.

Deputy Gallichan reiterated her opinion on the six months continual residency requirement before registration for any person who had a combined total residency of 5 years at any time. Although the Committee reiterated its concerns that removing this provision could result in persons who worked in the Island for several months of each year to accumulate 5 years combined residency and register to vote Deputy Gallichan maintained that it would be necessary for persons to demonstrate an intention to remain in the Island or provide a declaration of residency. Deputy Gallichan claimed that removing this provision would make registration simpler and easier which was the aim of the proposed amendments to the Law. The Committee, having considered the matter in detail, agreed that the requirement for a person to have six months continual residency should be removed.

The Committee requested that the draft Law be referred to the Attorney General for advice on human rights compatibility and for any general comments on legal issues.

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

On a related matter, the Committee was advised that a meeting between the Chairman, Vice Chairman and Jersey Post had been arranged for 3rd April 2008 to discuss the distribution of election manifestos. The Committee noted that the advice of the Attorney General was still awaited on the draft election expenses legislation.

British-Irish
Inter-
Parliamentary
Body.
956/1(1)

A4. The Committee, with reference to its Minute No. A7 of 20th February 2007, and with Deputy A. Breckon in attendance, resumed consideration of the British-Irish Inter-Parliamentary Body.

The Committee recalled that members of the States had been invited to choose a Representative and an Associate member to represent Jersey on the abovementioned Body. On 4th April 2006 Deputy Breckon was elected as Jersey's Representative and the Connétable of Grouville as Associate. Although the rules allow a jurisdiction to send an Associate if the Representative could not attend, the Connétable of Grouville had only attended one plenary meeting whilst Deputy Breckon had attended all of the other meetings. The Committee had agreed that Deputy Breckon should be invited to the meeting to discuss whether Jersey's 2 representatives should be given the opportunity to share attendance more equally and also to consider whether arrangements should be put in place for Jersey's representatives to report back to their colleagues on the outcome of the meetings.

Deputy Breckon advised the Committee that the elected Representative was expected to attend the majority of the meetings and if the Representative missed 2 meetings that person would no longer be able to attend. The Associate member was only required to be present at the meeting if for any reason the Representative could not go. Deputy Breckon outlined the background and ethos of the British-Irish Inter-Parliamentary Body. It was explained that the day to day work of the Body was carried out through 4 Committees, the Political Committee, the European Affairs Committee, the Economic Committee and the Environmental and Social Committee. The Committee discussed with Deputy Breckon some of the issues being considered by the Body and also the possibility of a report being produced for members' information. Deputy Breckon advised the Committee that he received large amounts

of information from the Body which he would be quite happy to make available to members and he agreed that he would do a short report for members outlining the history of and the topics discussed by the Body.

The Chairman thanked Deputy Breckon for his attendance and he withdrew from the meeting.

Facilities in the
States Building.
1060/5(245)
Encl.

A5. The Committee received and considered an electronic mail message dated 23rd February 2008 from Deputy A. Pryke in connexion with the facilities in the States Building, Royal Square.

The Committee noted that Deputy Pryke was concerned that, in the States members' coffee room, due to the position of the kick board in the kitchen units the tea lady could not stand straight when she was washing the dishes, this made it very uncomfortable and put a strain on her back.

Deputy Pryke was also concerned about the amount of bottled water that was used by States members. She felt that people were becoming more aware of environmental issues and as the bottled water was imported it would have a higher carbon footprint than water taken from the tap. She believed that the cost of providing bottled water was excessive and suggested that if members wanted chilled and filtered water a cooling system could be added on to the existing plumbing. Deputy Pryke asked the Committee to consider looking into these two issues.

The Committee was advised that dishes were not meant to be washed up in the coffee room as it was against health and safety regulations. The main kitchen where the dishes were meant to be washed was downstairs and, although a trolley had been purchased to ease the transportation of the crockery to the kitchen, this was not often utilised. The Committee, whilst recognising that health and safety regulations were paramount, and noting that a sink unit had been installed for the purpose of washing the dishes, agreed that the position of the kick board should be looked at.

With regard to the issue of bottled water, the Committee considered that members had varying tastes with some preferring sparkling water and many not wishing to drink water from the tap. The Committee felt that members could be given a choice by providing jugs of tap water in the coffee room, however, it was agreed that bottled water should continue to be supplied. The Committee opined that the provision of a water dispenser could reduce the number of bottles of water purchased by the States and requested that this possibility be investigated.

Matter for
information.

A6. The Committee noted the following matters for information -

- (a) correspondence dated 3rd March 2008, received from the Attorney General regarding the scrutiny of legislation for human rights purposes;
- (b) Deputy Gallichan asked whether Wi-Fi internet access could be provided for laptop computers in the States Building;
- (c) Deputy Gallichan advised that she found it difficult to see to read her Order Paper and States documents in the States Chamber due to the poor lighting and she asked whether a spotlight could be installed behind her seat; and
- (d) Deputy Ferguson advised that the Chairmen's Committee was preparing a report which would highlight the successes of Scrutiny.

