

PRIVILEGES AND PROCEDURES COMMITTEE

(83rd Meeting)

6th August 2008PART A

All members were present, with the exception of Senator M.E. Vibert, Deputy S.C. Ferguson, from whom apologies had been received. Connétable K.A. Le Brun was present for Items A4, A5, A6 and A7.

Connétable D.F. Gray of St. Clement - Chairman
 Connétable K.A. Le Brun of St. Mary
 Deputy G.C.L. Baudains
 Deputy J. Gallichan
 Deputy I.J. Gorst

In attendance -

Mrs. A.H. Harris, Deputy Greffier of the States
 Mr. N. Guillou, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A and Part B.

Categoric
 Assurances -
 Request by
 Deputy D.W.
 Mezbourian.
 465/1(106)

A1. The Committee received correspondence dated 18th July 2008 and 4th August 2008 from Deputy D.W. Mezbourian, which requested that the Committee consider the many commitments and 'categoric assurances' made by members in the House during States meetings. Deputy Mezbourian noted that numerous of these commitments had been made by members recently, and that as some other jurisdictions had monitored such assurances, the Committee was requested to discuss whether such monitoring would be appropriate for the States of Jersey. A document from the website of the Indian Government had been provided in this regard within Deputy Mezbourian's correspondence. It was noted that Deputy Mezbourian had been invited to attend the meeting, but had been unable to do so due to involvement with a Visite Royale in St. Lawrence.

The Committee noted that it was unclear for how long an assurance would last under these circumstances. It was also felt that individual members should be monitoring assurances made, and that if these were not followed up, members should ask questions within the House, or if the matter were serious enough, a motion of censure could be brought.

The Committee agreed that in order to ensure that the matter could be resolved satisfactorily, Deputy Mezbourian should be re-invited to attend at the Committee's next meeting.

Members access
 to the Jersey
 Evening Post
 online.
 465/1(107)

A2. The Committee considered a report received from the Greffier of the States, regarding an online subscription to the Jersey Evening Post for States members. The Committee was informed that this had been undertaken following an approach by a States member.

The Committee agreed that whilst it would offer some advantages to members who

were off-island for a time and wished to have full access to the Jersey Evening Post, the costs involved (£1500 for a 12 months subscription) were too high, and that overall such a provision was unnecessary. The Committee decided that it would not support this suggestion.

Voter
registration/
turnout campaign
for the 2008
elections.
424/2(46)

A3. The Committee, with reference to its Minute No. A7 of 26th June 2008 received an oral update from Deputy J. Gallichan regarding the voter turnout campaign for the forthcoming public elections in November 2008.

The Committee was reminded that the campaign would be carried out in three phases, the first to promote general awareness of the forthcoming elections, the second to promote registration, and finally to encourage voter turnout on polling day. It was noted that the first phase was nearing completion.

It was noted that www.vote.je had been registered as a website to provide information to the public and that following nomination meetings, prospective candidates would be allotted a page on the website. As well as this, a supplement would be placed in the Jersey Evening Post's edition the Thursday before the elections take place. Each candidate would have 700 words to set out their manifesto. The Committee agreed that for this supplement candidates should simply provide their name and be free to write what they wished. It was also noted that an island-wide mailing would occur detailing the registration process, dates for nominations of candidates, and polling dates. This would also include a voter registration form.

The Committee was informed that a red marquee tent would be erected at different sites around St. Helier from 26th August 2008 in order to promote registration, and that a press release announcing this would be sent out on 22nd August 2008. It was noted that the Chairman and Deputy Gallichan would liaise with St. Helier Parish officials in order to discuss where the marquee would be sited. Numerous banners had also been prepared, and adverts had been placed on the back of buses. Stickers for bins were to be ordered, and all States Departments and Parish Halls had received posters. It was noted that the Youth Service had created posters to promote the elections for the 16-18 age range. The Communications Unit had agreed to place advertisements in all States' publications.

Regulation of
election
expenses.
1148/1(12)

A4. The Committee noted correspondence from Deputy P. Ryan, Chairman of the Corporate Services Scrutiny Panel, published in the Jersey Evening Post on 25th July 2008. The Committee recalled that the States had voted to approve the Draft Public Elections (Expenditure and Donations) (Jersey) Regulations 200- principles of the (P.82/2008 refers) on 17th July 2008, and that the Corporate Services Scrutiny Panel had unanimously decided on that day to "pull the law in to scrutiny in order to examine the details of the articles for fitness and purpose". This decision was reversed on the 18th July 2008, as allowing scrutiny would have delayed and prevented the proposals from coming into force in time for the forthcoming elections in October and November 2008.

In his letter Deputy Ryan asserted that the Committee's proposals were clearly flawed, and noted his disappointment that they had been lodged "au Greffe" on 30th May 2008, which had not allowed sufficient time for any scrutiny to take place, and noted that the reversal of the decision to "pull the law in for scrutiny" had been taken solely to ensure that the regulations could be brought into force in time for November's elections.

It was noted that Deputy Ryan had been invited to attend the meeting, but had been unable to do so due to illness. The Committee agreed that Deputy Ryan should be re-invited to attend at the Committee's next meeting to discuss the matter.

Machinery of Government review: Proposed amendments to the States of Jersey Law. 465/1(91)

A5. The Committee noted correspondence received from Senator F.H. Walker, Chief Minister, dated 23rd July 2008, and Deputy S.C. Ferguson, President of the Chairmen's Committee, dated 30th July 2008. It was noted that the report on the recommendations in the Machinery of Government Reforms (R.105/2007) would be discussed by the Council of Ministers on 4th September 2008 and the Chairmen's Committee on 12th September 2008.

Data Protection Register - registration of electoral candidates. 939/1(69)

A6. The Committee, with reference to its Minute No. A6(a) of 23rd July 2008, gave consideration to the need for election candidates to register under the Data Protection (Jersey) Law 2005 in order to access and utilise the electoral register.

It was noted that the Greffier of the Sates had written to Mrs. E. Martins, Data Protection Commissioner, on 31st July 2008 and had inquired as to whether or not it would be possible to reduce or waive the requisite registration fee for candidates. The Greffier had further inquired into the need for registration of all States members, as the Committee had noted that this had not been achieved. Mrs. Martins had replied on 1st August 2008 and advised that any change to fee requirements would necessitate a change in the Data Protection (Jersey) Law 2005. Mrs. Martins also advised that significant time and effort had been made to ensure that States members had complied with the Law, and that the Data Protection Commission would be happy to assist with updating new candidates as required.

The Committee queried the necessity of a subsidy for election candidates, but noted that as access to the electoral register was only necessary for a short period of time, it would be unfair to pay a yearly fee. The Committee also noted the need for all members to be registered under the Data Protection (Jersey) Law 2005, and expressed its opinion that all election candidates should be reminded of this when nominated.

It was agreed that Mrs. Martins should be consulted further, in order to ascertain what options could be pursued to change the Data Protection (Jersey) Law 2005, and that these should be presented to the Law Draftsman for their consideration and opinion. It was noted that there would not be sufficient time for any amendment to the Law to come into effect before the forthcoming elections in 2008.

Next meeting.

A7. The Committee agreed that its next meeting would be held on 3rd September 2008 at 9.30 a.m. in the Le Capelain Room, States Building, Royal Square.