

PRIVILEGES AND PROCEDURES COMMITTEE

(50th Meeting)

27th June 2007**PART 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 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 4th June 2007 (Part A), having been previously circulated, were taken as read and were confirmed.

Composition and
 Election of the
 States Assembly.
 465/1(75)

A2. The Committee, with reference to its Minute No. A4 of 13th June 2007, resumed consideration of the Composition and Election of the States Assembly.

The Committee considered whether an informal briefing should be organised for States members to discuss its proposals on the reform of the States before the issue was debated in the Assembly on 17th July 2007. The Committee opined that it could be beneficial to discuss with members the advantages and disadvantages of the various options which had been put forward. It would also provide an opportunity to explain to members the reasons why many of the options previously considered by the Committee would not be workable. It was agreed that a Powerpoint presentation should be given and that time should be allowed for members to ask any questions they might have on the various proposals. The Committee hoped that holding an informal briefing would counteract any confusion members might have regarding its two options for reform and result in a more informed debate. The Committee decided that all States members should be invited to a presentation at 9.30 a.m. on Friday 6th July 2007 in the members' lunch room, States Building, Royal Square.

The Committee recalled that it had agreed that, rather than just putting forward the one option favoured by the States, the public should be given the opportunity to have its say in a referendum and decide whether it preferred either of the proposed options for reform or retaining the status quo. The Committee had concluded that the Bailiff should be consulted regarding whether or not an amendment to its proposition could be drafted which was worded in such a way as to allow the three options to be put to the electorate in a referendum if the States agreed. The Committee was advised that it

had been concluded that it would be difficult to draft an amendment to its proposition that would not be ruled out of order, however, a standalone proposition could be lodged 'au Greffe' by an individual States member. In this regard the Committee considered Senator J.L. Perchard's proposition 'Composition of the States: referendum' (P.86/2007) which added 2 further options so the referendum would have 4 options as well as retaining the status quo. It was noted that the first of Senator Perchard's additional options was for an Assembly comprised of 12 Senators elected on an Island-wide basis and 36 Deputies elected on a Parish or constituency basis and the second option was for an Assembly comprised of 48 Deputies elected on a Parish or constituency basis.

The Committee noted that both of the additional options in Senator Perchard's proposition would result in the loss of the Connétables from the States Assembly and it was recalled that the reason such an option had not been included in its proposal was due to the level of support the Connétables had received from States members during the in Committee debate which had been held on Tuesday, 13th March 2007.

The Committee recalled that during its extensive consideration of the reform of the States Assembly it had concluded that electing 12 Senators on an Island-wide basis would be unworkable for the reasons that it would be difficult for the electorate to get to know the policies of such a large number of candidates and then select up to 12 candidates to vote for. The Committee opined that Senator Perchard's second proposal for an Assembly comprised of 48 Deputies elected on a Parish or constituency basis could be a workable reform option.

The Committee recognised that holding a referendum with so many options could result in other States members and/or members of the public asking for their preferred alternative option to be included. The Committee was also concerned that the results could be almost equally divided between all of the choices and it would not get a clear steer on the electorate's preferred reform option.

The Committee requested that a comment in the abovementioned terms be prepared for its consideration.

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

Code of Practice
on Public Access
to Official
Information:
Annual Report
for 2006.
955(32)

A3. The Committee, with reference to its Minute No. A5 of 4th May 2007, received and considered a report entitled 'Code of Practice on Public Access to Official Information: Annual Report for 2006'.

The Committee recalled that a report concerning the operation of the Code of Practice on Public Access to Official Information was presented to the States Annually. The Committee agreed the amendments which had been made to the paragraphs under the sub heading future proposals and requested that the information recorded for each department that had received a request be presented in a uniform format.

The Committee accordingly approved the Code of Practice on Public Access to Official Information, subject to minor amendment, and requested that it be presented to the States at the next available opportunity.

The Committee Clerk was requested to take the necessary action.

Electoral
Registration: link

A4. The Committee, with reference to its Minute No. A5 of 13th June 2007, considered its response to P.68/2007 entitled 'Electoral Registration: link to

to population register (P.68/2007): Comment. 424/2(41)

population register' which had been lodged 'au Greffe' by Deputy G.P. Southern of St. Helier on 22nd May 2007 and was due to be debated on 3rd July 2007.

The Committee decided to comment as follows -

'The Privileges and Procedures Committee considers that it is a political decision for Members to decide whether they support Deputy Southern's proposal or not but for Members' information the Privileges and Procedures Committee attaches research on other countries. Members will note that registration in other countries is either restricted by nationality or length of residence. Deputy Southern's proposal would therefore be unusual because it would open voting to anyone on the population register irrespective of nationality or length of residence.'

The Greffier of the States was directed to arrange for the Committee's comments to be presented for consideration by the States on 3rd July 2007.

Draft Amendment (No. 7) of the Standing Orders of the States of Jersey. 450/2(7)

A5. The Committee, with reference to its Minute No. B3 of 13th June 2007, considered its response to P80/2007 entitled 'Amendment (No. 7) of the Standing Orders of the States of Jersey' which had been lodged 'au Greffe' by Deputy G.P. Southern of St. Helier on 7th June 2007 and was due to be debated on 17th July 2007.

The Committee decided to comment as follows -

'The Privileges and Procedures Committee does not support this draft amendment to Standing Orders.'

The Committee appreciates that it can be frustrating for the proposer of an item when the Assembly votes to curtail the debate and 'move to the next item'. The procedure is nevertheless, by definition, a summary one which can be used when a majority of members in the Assembly consider that, for whatever reason, it is not appropriate for the debate to continue any longer. Allowing the proposer of the original proposition to speak before the vote could take some time and undermine the whole purpose of Standing Order 85 which is to allow the Assembly to bring a debate to an immediate end. The Committee would also point out that if the amendment is adopted it could enable the proposer of a proposition to speak 3 times in a debate as, if the proposal to move to the next item is rejected, he or she will still have the normal opportunity to sum up at the end of the main debate.'

PPC believes that Standing Order 85 already contains sufficient safeguard, namely that the presiding officer cannot allow the proposal if it appears to him or her that it is an abuse of the procedure of the States or an infringement of the rights of a minority. PPC considers that the Bailiff and others who preside in the Assembly exercise this power carefully and thereby safeguard the rights of private members and others.'

PPC urges members to reject this amendment. If members have serious concerns about Standing Order 85 the Committee believes it would be more appropriate for those members to bring an amendment to Standing Orders to remove the procedure altogether rather than trying to amend it in the manner suggested by Deputy Southern.'

The Greffier of the States was directed to arrange for the Committee's comments to be presented for consideration by the States on 11th September 2007.

Draft
Registration of
Political Parties.
465/4(3)
Encl.

A6. The Committee, with reference to its Minute No. B1 of 4th June 2007, considered a report prepared by the Greffier of the States in connexion with an amendment lodged 'au Greffe' by Deputy G.P. Southern of St. Helier to its proposition on the registration of political parties (P.73/2007).

The Committee recalled that its proposition required that a list of party members should be submitted to the Court, updated annually and made available for public inspection. Deputy Southern believed that this requirement could contravene Articles 8 and 11 of the Human Rights (Jersey) Law 2000 and his amendment proposed its removal. In this regard the Committee was informed that it had been indicated that the requirement may breach human rights privacy rules and data protection legislation.

Whilst the Committee recognised that it should accept Deputy Southern's amendment to remove this requirement it was agreed that political parties should be required to submit its annual accounts within six months of the end of their financial year. The accounts would be available for the public to inspect and this would provide an indication of the number of members a party had.

Deputy Southern also proposed that party emblems should be printed on ballot papers alongside the party's name. The Committee opined that in a jurisdiction where, at present, the majority of candidates would not be affiliated with a political party it would give an unfair advantage to candidates who were members of a political party against an independent candidate.

The Committee requested that a comment be prepared in the abovementioned terms. It was also agreed that an amendment requiring political parties to submit annual accounts should be drafted for its consideration.

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