KML/LH

PRIVILEGES AND PROCEDURES COMMITTEE

(63rd Meeting)

12th December 2007

PART A

All members were present, with the exception of Connétable K.A. Le Brun of St. Mary, from whom apologies had been received.

Connétable D.F. Gray of St. Clement - Chairman
Senator M.E. Vibert
Deputy G.C.L. Baudains (not present for item No. A3 and present for decision only on item No. B5)
Deputy S.C. Ferguson
Deputy J. Gallichan
Deputy I.J. Gorst (not present for the first part of item No. B5)

In attendance -

M.N. de la Haye, Greffier of the States
Mrs. A.H. Harris, Deputy Greffier of the States
Mrs. K.M. Larbalestier, Acting 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 28th November 2007 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

Public Elections (Jersey) Law 2002 - proposed amendments.
424/2(45)
Encl.

A2. The Committee, with reference to its Minute No. A3 of 28th November 2007, resumed consideration of the proposed changes to the Public Elections (Jersey) Law 2002.

The Committee recalled that it had discussed in detail the proposed amendments to the above named Law and, having made various recommendations, had agreed that the outstanding issues raised at the last meeting should be referred to the working group for further consideration.

The Committee received a report in response to the above which had been prepared by Deputy J. Gallichan, in her capacity as Chairman of the working group. The Committee discussed the contents of the report and focussed on the following -

item No. 3 - the Committee confirmed that its concerns had related specifically to the potential for candidates or their supporters to influence voters;

item No. 10 - it was noted that although it was possible to obtain an electronic copy of a registration form on line, it was not possible to register on line as a signed hard copy of the registration form was required by parish halls;

item No. 23 - the Committee noted that the estimated mailing costs were

£19,000 per election. The Committee was also informed that voting cards were sent after the register had closed. The Committee nevertheless confirmed its support for the introduction of voting cards in every election for Senator, Connétable or Deputy.

with regard to item No. 26 - the Committee noted that it had been agreed that in certain circumstances an application could be made to the relevant parish by individuals who did not wish to be included on the Register. Such individuals would have to satisfy the Connétable that including their details on the register could result in a "genuine risk to life". Deputy I.J. Gorst suggested that this option should be publicised.

In concluding its consideration of Deputy Gallichan's report, the Committee noted that the Deputy intended to meet Ms. N. Southouse, Judicial Greffe to obtain details of the number of electors voting between 8 a.m. and 10 a.m.. Following this meeting Deputy Gallichan would arrange to meet the Jurat with responsibility for public elections.

Draft Freedom of Information (Jersey) Law 200-.
670(1)

A3. The Committee, with reference to its Minute No. A3 of 13th June 2007, and with H.M. Attorney General and Mr. C. Borrowman, Assistant Law Draftsman in attendance, considered the draft Freedom of Information (Jersey) Law 200-.

The Committee recalled that it had presented a report to the States entitled Freedom of Information (Jersey) Law: second consultation (R.60/2007) on 18th June 2007, and had sought further comments from members, officers and the public in relation to the second revised draft Law. It had been intended that the consultation period would conclude at the end of September 2007, but it had, in fact, continued for a much longer period.

The Committee discussed the draft legislation and the responses received. It noted that the concerns of departments, which related to, among things, the cost of implementation, had not been dispelled in any way by the second version of the draft Law. The Committee discussed this matter at length with its officers and H.M. Attorney General. It seriously questioned whether the cost associated with introducing the legislation (estimated by the Corporate Management Board in 2006 at £500,000 per annum) was appropriate in the current economic climate given the concerns expressed. Members also discussed the existing Code of Practice on Public Access to Official Information and were not convinced that the introduction of Freedom of Information legislation would remedy perceived deficiencies. The Committee was mindful of the fact that there had never been a review of the performance of the Code from the standpoint of the customer, namely the public, to establish what improvements, if any, were required and whether the introduction of legislation was the only way of making those improvements.

The Committee recalled that it had agreed to pursue a request of the Council of Ministers that the full resource implications of the draft Law be investigated. In this connexion the Corporate Services Scrutiny Panel had been requested to carry out the review and a review was due to commence in January 2008 with a view to the completion of a report in the early part of 2008. Having regard to the continued concerns expressed following the second consultation process the Committee felt unable to support proceeding with the draft legislation. It was of the view that a review of the effectiveness of the existing Code of Practice on Public Access to Official Information would be an extremely valuable exercise which the Corporate Service Scrutiny Panel might wish to consider rather than the proposed review of the resource implications of the draft legislation. Consequently, the Committee

requested that arrangements be made for the Chairman and Vice Chairman to attend the next scheduled meeting of the Panel in order to discuss the matter further.

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

A4. The Committee discussed a proposal to mount a voter registration campaign for the 2008 elections.

The Committee recalled that a campaign had been mounted for the 2005 elections and it was advised that this had cost approximately £30,000. Having expressed support for a similar campaign for the 2008 elections, members noted that no funding had been allocated for such a campaign. Consequently, it was agreed that a letter should be prepared for the Chairman's signature to the Treasurer of the States requesting that consideration be given to permitting the Committee to use monies which had not been spent during 2007 for the purpose of the campaign.

On a related matter, the Committee considered whether it might also be appropriate to organise a meeting for potential candidates where relevant information pertaining to the work of States members could be made available. It was noted that such an event had previously been held and had proved quite successful. The Committee expressed support for the organisation of a similar event in 2008.

Matters for information.

A5. The Committee noted the following matters for information -

(a) correspondence dated 3rd December 2007 sent to all States members regarding the use of electronic mail;

(b) that the next meeting would be held on 23rd January 2008 at 9.30 a.m. in the Le Capelain Room, States Building, Royal Square;

(c) seasons greetings and gratitude from the Chairman for the work carried out by members and officers on behalf of the Committee.