

Privileges and Procedures Committee

(10th Meeting)

23rd January 2023

**Part A**

All members were present.

Connétable K. Shenton-Stone of St. Martin  
Deputy M.R. Le Hegarat of St. Helier, Vice-Chair  
Deputy L.J Farnham of St. Mary, St. Ouen and St. Peter (Items A6 – A10)  
Deputy C.A. Alves of St. Helier  
Deputy L.K.F Stephenson of St. Mary, St. Ouen and St. Peter  
Deputy M.R. Ferey of St. Saviour  
Deputy L.V. Feltham of St. Helier Central (Items A3 – A10)

In attendance -

L-M. Hart, Greffier of the States  
W. Millow, Deputy Greffier of the States  
Y. Filleul, Assistant Greffier (Chamber and Members' Support) (Items A5 – A9)  
K. Boydens, Principal Committee and Panel Officer  
K. Camara, Research and Project Officer

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

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| Minutes.  | A1. The Minutes of the meeting held on 12th December 2022 (Part A only) were taken as read and approved.  |
| Forthcoming business for debate by the States Assembly. | A2. The Committee considered forthcoming business for debate by the Assembly at its meeting on 7th February 2023. The Committee decided that it did not wish to make a formal comment on any of the Propositions which had been lodged 'au Greffe' for debate on that date.   |
| Jersey Electoral Authority Report.                      | A3. The Committee received and considered a paper by the Principal Committee and Panel Officer regarding the report by the Jersey Electoral Authority (JEA). The Committee recalled that the JEA had submitted its report to the Committee in December 2022 and had made several recommendations for the Committee to consider.<br><br>The Greffier of the States advised that some of the recommendations could be addressed relatively simply whilst others would require changes to legislation. The Greffier undertook to review the recommendations, in conjunction with those made by the 2022 the Electoral Observers Mission and prepare a report for the Committee's consideration at its next meeting, which would identify "quick fixes" that could be addressed in the short-term and the longer-term changes which would require further consideration by the Committee. |
| Election  | A4. The Committee, with reference to its Minute No. B3 of 17th October 2022, received   |

Observation  
Mission Report  
2022.

and considered a paper by the Principal Committee and Panel Officer regarding the Commonwealth Parliamentary Association Election Observation Mission report 2022. The Committee noted that the report contained 14 recommendations in total. The Committee agreed that the recommendations would be considered alongside the recommendations made in the JEA report. In order to undertake the work, the Committee considered whether a Sub-Committee should be established, however, the Greffier advised that, as a number of Sub-Committees had already been established, it could be a better use of time if changes to the election process were considered by the Committee as a whole. The Committee agreed and, having regard to Minute No. A4 of the extant meeting, anticipated considering a report in this connexion in due course.

Administration  
of mail  
deliveries for  
States  
Members.

A5. The Committee received an oral briefing from the Deputy Greffier of the States and Assistant Greffier (Chamber and Members' Support) regarding the administration of mail and deliveries for States Members. The Deputy Greffier advised that, in December 2022, there had been a delivery of books about landlords which had been placed in some States Members' pigeonholes. Some Members had expressed concerns that they had been targeted to receive the book because of how they voted on propositions relating to rent and landlord matters.

The Deputy Greffier advised the Committee that the States Greffe did receive deliveries for Members from time to time particularly in instances where Members had given Morier House as their postal address. He explained that there was currently no mechanism in place for the States Greffe to censor mail that was addressed to Members.

The Committee agreed that there could be security issues associated with mail being automatically delivered to Members without knowledge of the sender. The Committee requested that a mechanism be introduced so that no mail could be distributed to Members without knowing the name of the sender and their contact details.

The Deputy Greffier advised that most mail was received from Government Departments but in the unusual circumstances where mail was delivered from an external person or body, a mechanism would be introduced which would identify the sender. The Deputy Greffier also suggested that Members be advised about how their mail was administrated which would give clarity as to the new mechanism. The Committee agreed and tasked the Assistant Greffier (Chamber and Members' Support) to take the necessary action.

Naming of  
individuals in  
States  
Meetings –  
amendments to  
Standing  
Orders

A6. The Committee received and considered a paper by the Deputy Greffier and was invited to discuss whether any amendments should be made to Standing Orders that referred to the naming of individuals by Members during States Meetings. The Deputy Greffier advised that this followed a request by Deputy M. Tadier of St. Brelade, during a meeting with the Chair, to consider amending Standings Orders 104 and 109.

The Deputy Greffier advised that Standing Order 104(2)(i) stated that "*a member of the States must not refer to any individual who was not a member of the States by name, unless use of the individual's name was unavoidable and of direct relevance to the business being discussed.*"

The Deputy Greffier explained that, consequently, there was a 'double test' for whether use of an individual's name was in order, namely that it was unavoidable and of direct relevance to the business being discussed. Deputy Tadier had suggested that an amendment be made so that the test was whether the reference was either unavoidable or of direct relevance.

The Deputy Greffier advised that this provision had not been altered since the current version of Standing Orders was introduced in 2005. The provision had not been part of Standing Orders before that time but its introduction in 2005 reflected an existing convention that had been established that such references to an individual were not permitted.

The Deputy Greffier explained that Standing Order 109(7) provided that *“if, having made a determination under paragraph (4) that the words were offensive, objectionable, unparliamentary or disorderly, the presiding officer was of the opinion that the words consist of or include a name in contravention of standing order 104(2)(i), he or she may direct that such name is omitted from the transcript of the meeting.”* Deputy Tadier had suggested that this provision be removed and had also raised questions regarding the impact of its existence on Assembly privileges and Members’ rights.

The Deputy Greffier explained that Standing Order 109(7) was introduced following the adoption of P.179/2008 ‘Draft Amendment (No. 10) of the Standing Orders of the States of Jersey’ on 10th March 2009. The Committee noted that the Privileges and Procedures Committee of the day had lodged the proposition due to its concern that there had been occasions when the name of a person who was not a member of the Assembly had been used in breach of Standing Order 104(2)(i). At that time, the Committee had considered that it was unfair to allow words to remain in Hansard that had been spoken in breach of Standing Orders, due to the ability for any individual to undertake an internet search and find the name mentioned.

The Deputy Greffier advised that the proposition had explicitly focussed on the naming of individuals, rather than allowing for the omission of any other, or all, unparliamentary language. A consequential amendment had been made to Standing Order 160 to state that if the Presiding Officer had directed the omission of a name under Standing Order 109(7), the transcript would not include that name and the omission would be marked explicitly in the transcript. This ensured transparency.

The Deputy Greffier suggested that, if the Committee was minded to pursue either or both of the proposed amendments to Standing Orders, further work could be undertaken to demonstrate how this matter was currently addressed by other legislatures. Consultation with the Bailiff would also provide insight on any impact such amendments could have on the role of the Presiding Officer within the Assembly. The Committee agreed that the matter should be researched further in relation to other jurisdictions and requested the Deputy Greffier to take the necessary action.

Disclosure and Barring Service (DBS) checks for States Members.

A7. Deputy L.K.F Stephenson of St. Mary, St. Ouen and St. Peter raised the matter of Disclosure and Barring Service (DBS) checks for States Members.

Deputy Stephenson was of the view that all Members should be DBS checked particularly as the States Building was open to school children during the Year 5 School visits. The Committee was advised that this matter would be explored by the Members’ Resources Team.

Reinstatement of Senators.

A8. The Committee, with reference to Minute No. A2 of 12th December 2022, considered the composition of the States and whether Senators should be reinstated.

The Committee recalled that the proposition entitled ‘Reinstatement of Senators’

(P.79/2022) lodged by Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter had been defeated during the States debate held on 17th January 2023. The Committee noted that Deputy M.R. Scott of St. Brelade had publicly stated that she would call for there to be a referendum on whether to reinstate the role of Senator.

The Committee discussed the matter and was not in favour of a referendum. Deputy L.J Farnham of St. Mary, St. Ouen and St. Peter suggested that Deputy Gorst be invited to attend the next meeting in order to discuss the matter further. The Committee agreed and tasked the Research and Project Officer to make the necessary arrangements.

Survey of  
Members –  
2022.

A9. The Assistant Greffier (Chamber and Members' Support) provided the Committee with an update on the survey to States Members which had been circulated during the last quarter of 2022. The Assistant Greffier advised the Committee that the response rate had exceeded expectations and a varied mixture of views and opinions had been received from Members. The Assistant Greffier advised that a response report would be circulated to the Committee in due course.

Work  
Programme  
2023.

A10. The Committee received and considered its Work Programme for 2023. The Committee noted that there were several matters and workstreams that would be considered further during 2023.