

States of Jersey  
States Assembly



États de Jersey  
Assemblée des États

# States Assembly

## ANNUAL REPORT 2011



**PRESENTED TO THE STATES BY THE  
PRIVILEGES AND PROCEDURES COMMITTEE**



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## **Foreword by the Bailiff of Jersey, President of the States**



I am delighted to have been invited by the Chairman of the Privileges and Procedures Committee to contribute a foreword to this 6th Annual Report of the States Assembly.

The Report has always been a very useful point of reference for Members and those interested in the work of the States. This year's Report contains additional information about retiring Members, new Members and those former Members who have passed away. I believe that this is a useful addition to the Report.

As the Report shows, 2011 was a record year in terms of the number of Sittings of the Assembly (64) and the aggregate length of time taken for those Sittings (over 366 hours). Part of the explanation for this lies in the subject matter of some of the debates. For example, in June the Assembly debated the draft 2011 Island Plan. This was an extremely important document for the future development of the Island, and it is hardly surprising that the debate took so long. On the other hand, other debates seemed on occasion to take rather longer than was justified by the subject matter. The time taken in the Assembly can certainly pose difficulties in terms of the other important work which Members have to undertake, whether as Ministers, Assistant Ministers, members of Scrutiny or in their constituencies. It is of interest that, so far, the new Assembly has sat less often, but only time will tell whether this will continue.

As ever, the States have been extremely well served by the Greffier and his excellent staff and I would like to express my thanks to them. I also thank Members for the courtesy which they show to the Chair.

## **Introduction by the Chairman of the Privileges and Procedures Committee**



**Connétable A.S. Crowcroft of St. Helier**

I am very pleased to be able to present the 2011 States Assembly Annual Report to the States on behalf of the Privileges and Procedures Committee. For most of the period covered by this report, PPC was chaired by Connétable Juliette Gallichan; and I would like to pay tribute to the work she and her Committee did in the last 3 years in what is clearly one of the more difficult roles in the States.

When I stood as Chairman of PPC in November 2011, I made it clear that I thought the new Assembly needed to place a higher priority on the efficient management of its time, and the figures set out in this Annual Report confirm, in my view, the need to do this. The fact that the Assembly sat on more days in 2011 than in any previous year is not a 'record' that I think we should be particularly proud of, but I am confident that there is a new mood in the Assembly that took office in November 2011 to tackle these issues. Another matter I mentioned when I stood as Chairman was my concern that the States had not traditionally recognised the service of past members in an appropriate way and I am therefore pleased that, for the first time, the Annual Report refers to the service of the 18 members who left the States in November 2011 and also summarises the tributes paid in the Assembly to former members who passed away during the year.

Section 4 of the report sets out in some detail the work of the Scrutiny Panels and PAC, and I am grateful to the Chairmen's Committee and to the staff in the Scrutiny office for preparing such a comprehensive summary. A number of concerns were expressed in 2011 about the role of Scrutiny and its effectiveness, but I think that the review of Scrutiny undertaken in the summer of 2011 by the former President of the Chairmen's Committee, which is reproduced in this Annual Report, showed a very clear and positive way forward. It is encouraging that the new Chairmen and members elected to the Scrutiny Panels and PAC in November 2011 have made it clear that they are determined to do all they can to make Scrutiny more effective and worthwhile.

This is the 6th Annual Report for the States Assembly and the reports will, in time, provide a comprehensive record of the work of the Assembly and allow comparisons to be made over a period of years. The Annual Report requires contributions from a large number of officers in the States Greffe and PPC is grateful to them all for the effort they have again put in to make this report such a comprehensive overview of the last year.



# 1. THE STATES ASSEMBLY



## 1.1 Introduction

2011 was an election year and for the first time a single election day was held for the 3 categories of members on one day, with only the 6 Senators elected in 2008 for a 6 year term not facing an election as part of the transitional arrangement to the full 'general election' for all elected members that will take place in October 2014. There were significant changes in membership as a result of the elections and, in addition, the Assembly bid farewell to one Lieutenant Governor and welcomed another during the year.

## 1.2 Retiring members

18 members left the Assembly following the elections held on 19th October 2011, 10 as a result of a decision not to seek re-election and 8 as a result of electoral defeat.

The 18 members had a combined service to the States of some 177 years and this service was recognised in a tribute paid to the retiring members by the Deputy Bailiff at the end of the last sitting of the old States on 8th November 2011 and at a States dinner held in their honour in the Great Hall at Victoria College on 10th November.

The 18 retiring members, in order of their length of service, were as follows.

### **Terence John (Terry) Le Main – first elected in December 1978 (33 years’ service)**



First elected in 1978 as a Deputy for St. Helier No. 2, he was elected as a Senator in 1984 and served 2 terms in the role before returning to represent St. Helier No. 2 from 1996 to 2005. He was elected as a Senator in October 2005 and therefore served a total of 33 years in the Assembly.

During his time as a States Member, he served on numerous Committees and Panels. He sat on the Fort Regent Development Committee and was the first President of the Sport, Leisure and Recreation Committee.

Throughout his time in the States he was involved with Planning in its various guises as IDC, Planning and the Planning Applications Panel. He was a member of the Housing Committee from 1996, becoming its President in 1999 through to the end of the Committee system in 2005 and then the first Minister for Housing in 2005. As President and later Minister for Housing, he fought to provide the funds to adequately maintain the existing housing stock and refurbish or build appropriate new homes, particularly for young families and the elderly. He resigned as Minister in June 2010.

He also served for many years on the Overseas Aid Committee, was a member of the Assemblée Parlementaire de la Francophonie: Executive committee, the CPA and was a staunch supporter of Age Concern and the Island’s elderly residents.

### **Terence Augustine (Terry) Le Sueur OBE – first elected in December 1987 (24 years’ service)**



First elected as a Deputy for St. Helier No. 1 in 1987 and served that district for 3 terms until 1999 when he was elected as a Senator. Served 2 six year terms as a Senator.

From his first year in the States he was involved with Social Security, serving firstly as a Committee member before being elected as President of the Committee in 1990. Under Mr. Le Sueur the Department absorbed the functions of the Industrial Relations Committee (of which he was President in 1996) and issued a consultation document entitled ‘Fair play in the Workplace’ which laid the foundations for new Employment legislation in the Island and the establishment of the Jersey Advisory and Conciliation Service. In addition, a major review of the social security system was initiated under his presidency through the ‘Continuity and Change’ consultation which led to changes which ensured the long-term viability of the social security system in Jersey.

He was Vice-President of the Etat Civil Committee in 1988 and President of the House Committee in 1988, replacing Sir Martin Le Quesne. He joined the Policy and Resources Committee in February 1989 and was Vice-President from 2002 until the end of the Committee system, working alongside Frank Walker. Having followed Mr. Walker as President of the Finance and Economics Committee, he became the first Minister for Treasury and Resources and Deputy Chief Minister when the Ministerial system commenced in 2005. In 2008 he became the Island’s second Chief Minister and led the Council of Ministers for his last 3 years in the Assembly.

After his retirement from the States he was awarded an O.B.E. in the Queen’s New Years Honours list 2012.

**Frederick John (Bob) Hill B.E.M. – first elected in December 1993 (18 years’ service)**



First elected as Deputy for St. Martin in December 1993 and was re-elected to represent the parish a further 5 times.

Mr. Hill was a member of the Agriculture and Fisheries, Tourism, Telecommunications and Sport, Leisure and Recreation Committees during his first term, during which time he also served on a Committee of Inquiry. In later terms he added Housing, Health, the Jersey Transport Authority and Privileges and Procedures to his Committee remit, and was made Vice-President of Sport, Leisure and Recreation. He was actively involved in the development of the Shadow Scrutiny system, and after the end of the Committee system he served as Chairman of the Social Affairs Panel.

After his resignation as a Chairman of that Panel, he concentrated his efforts on being an effective ‘backbencher’ bringing forward many private propositions. During his time on Shadow Scrutiny and Scrutiny itself he completed a large number of reviews.

He took a great interest in human rights compliance and would often question whether proposed legislation had met the criteria of the human rights legislation. He also championed the rights and entitlements of States employees in relation to ‘whistle-blowing’ and suspension policies. He was a member of the Law Revision Board from February 2006.

Every year Mr. Hill was instrumental in arranging the annual Jersey vs. Guernsey States Members cricket match.

**Kenneth Priaulx (Ken) Vibert – first elected in May 1994 (17½ years’ service)**



First elected as Connétable of St. Ouen in 1994 (having served 35 years in the Honorary Service until then) and then re-elected unopposed every 3 years until his retirement.

Mr. Vibert served as a member of the Home Affairs, Sport, Leisure and Recreation and Finance and Economics Committees, and also attended Policy and Resources and Council of Ministers meetings in his capacity as Chairman of the Comité des Connétables.

As Chairman of the Comité des Connétables, he was responsible for twinning St. Ouen with Coutances and for encouraging the other 11 Parishes to also twin with French towns. He was very active in forging strong links with France and promoting the French language in Jersey, being Chairman of the Commission Amicale – forging strong relations between Jersey and La Basse Normandie et La Manche. Between 2005 and 2008 he was an Assistant Minister in the Chief Minister’s Department with particular responsibility for links with France. In addition, he was Président of the Jersey section of the Assemblée Parlementaire de la Francophonie and attended numerous regional and plenary conferences in French-speaking jurisdictions. In recognition of his work in promoting better relations with France, he was promoted in April 2009 from ‘Chevalier’ to ‘Officier’ of the ‘Ordre de la Pléiade des dialogues et de la culture’ of the Assemblée Parlementaire de la Francophonie. He received an ‘Ordre des Palmes Académiques’ of the Ministère de l’Éducation Nationale at the level of ‘Chevalier’ in 2010.

**Paul Vincent Francis Le Claire – first elected in April 1999 (12½ years’ service)**



Joined the States in April 1999 as a Deputy for St. Helier No. 1 and was elected as a Senator later that same year. Returned to the role of Deputy in 2005 and was re-elected to serve a further term for St. Helier No. 1 in 2008.

He served on the Health and Social Services, Public Services and Overseas Aid Committees, the PECRS Committee of Management, as well as the Privileges and Procedures Committee and Shadow Scrutiny. After the move to the Ministerial system he served on the Environment Scrutiny Panel between 2007 and 2011 and also worked on the Economic Affairs Scrutiny Panel and was a member of the Planning Applications Panel from January 2009.

Mr. Le Claire took a keen interest in environmental issues and also health. He was involved with the Health and Social Services’ smoking strategy which led to many measures to reduce smoking, such as increasing the minimum age for purchasing cigarettes, banning vending machines from places accessible to children, and the ban on smoking in the workplace.

**John Benjamin (Ben) Fox – first elected in December 1999 (12 years’ service)**



First elected in December 1999 as Deputy of St. Helier No. 3 and served 4 terms in total.

In 1999 he joined the Planning and Environment, Education and Overseas Aid Committees and served on Planning until he resigned in April 2003. He remained involved with Education throughout most of his time in the States, serving on the Education Committee, latterly the Education, Sport and Culture Committee until the end of the Committee system in 2005. He was then appointed as Assistant Minister for Education, Sport and Culture and given special responsibility for the Youth Service, and was extremely supportive of the Service and young people – he was instrumental in the creation of a skateboard park for young people in St. Helier. His police background made him an invaluable expert in designing out crime when Education developed new school buildings.

Mr. Fox was a vocal campaigner for the return of police motorbikes, which was achieved under the new Chief Officer of the States of Jersey Police, Mike Bowron, in 2011. He was a keen supporter of the Commonwealth Parliamentary Association and served as Vice-Chairman of the Executive Committee from 2008 until his retirement. He attended a number of CPA conferences – most notably to the Falklands – of which he was very fond. He was also a member of the Privileges and Procedures Committee from 2008 and was Vice-Chairman.

**Collin Hedley Egré – first elected in December 2002 (9 years’ service)**



He was elected as Deputy of St. Peter in December 2002 and subsequently re-elected for a further 2 terms.

He was a member of the Home Affairs and Harbours and Airport Committees until the end of the Committee system, and was actively involved with development of the Shadow Scrutiny system.

He served as a member and Vice-Chairman of the Privileges and Procedures Committee until his appointment in January 2011 as Assistant Minister for Planning and Environment with special responsibility for planning matters.

He was a member of the Planning Applications Panel and also the Corporate Services Scrutiny Panel. During his time on Scrutiny he chaired a Sub-Panel into the future of the Waterfront and proposals to sink La Route de la Libération, and a review of the proposed creation of a Jersey Enterprise Board. He sat on various Sub-Panels dealing with the health impact of telephone masts, the future of JCG, proposals to deal with migration and amendments to the Data Protection (Jersey) Law 2005.

**Michael Keith (Mike) Jackson – first elected in November 2005 (6 years’ service)**



First elected as Connétable of St. Brelade in November 2005 and re-elected for a further term in 2008. He served as a member of the Economic Affairs Scrutiny Panel between 2005 and 2008 and worked on that Panel’s reviews on the Retail Strategy, the Draft Price and Charge Indicators (Jersey) Law, and the health impact of telephone masts, as well as on GST Sub-Panels. He was also a member of the Assemblée Parlementaire de la Francophonie – Jersey section.

He was the Minister for Transport and Technical Services from December 2008, and he oversaw the culmination of years of effort on 2 projects: when the new Energy from Waste Plant was commissioned; and when the new Millennium Town Park was finally opened on 31st October 2011. He also oversaw major works on Victoria Avenue 2010 – 2011 and brought double-decker buses back to the Island on the No. 15 route.

**Ben Edward Shenton – first elected in December 2005 (6 years’ service)**



Joined the States as a Senator in 2005. He was initially involved in a number of Scrutiny reviews into zero/ten, telecoms privatisation and the health impact of telephone masts, before he was appointed as Minister for Health and Social Services in September 2007, a position he held until December 2008.

He was Chairman of the Public Accounts Committee (PAC) for 3 years from 2008 to 2011, and the Committee presented a number of hard-hitting reports under his chairmanship, including reports on the States Annual Accounts, Jersey Homebuy Scheme, the Jersey Heritage Trust, the exchange rate risks of the Energy from Waste Plant and the States Spending Review. In 2009, PAC successfully brought a proposition through the States to expand the remit of the Comptroller and Auditor General. In 2010, the PAC visited their counterparts in Guernsey and developed potential inter-Island co-operation.

He was President of the Chairmen’s Committee from December 2008 until March 2011 and brought forward various amendments to the Code of Practice for Scrutiny Panels and the PAC.

### **Frederick Ellyer (Freddie) Cohen – first elected December 2005 (6 years' service)**



Joined the States as a Senator in 2005. He was immediately appointed as Minister for Planning and Environment and remained in this post until he resigned on 5th July 2011. He was also appointed Assistant Chief Minister responsible for external relations with effect from 14th January 2011.

During his tenure as Minister for Planning and Environment, he was responsible for the introduction of the 'Percentage for Art' policy whereby developers were encouraged to include some form of artwork which would benefit the community as part of the development.

He successfully brought forward the North of Town Masterplan in 2011 which provided a framework for the redevelopment and regeneration in the north of St. Helier. He resigned from his position as Minister for Planning and Environment once he had successfully steered through the new Island Plan in June 2011. He had found it difficult juggling his workload with his new responsibility as Assistant Minister responsible for external relations and wanted to concentrate his efforts on that area. During his time in that role he visited India and China and signed Tax Information Exchange Agreements with a number of countries and helped to forge a stronger identity for the Island in London and Brussels.

### **James Leslie (Jim) Perchard – first elected in December 2005 (6 years' service)**



Joined the States as a Senator in 2005. He was initially involved in Scrutiny and was involved in a number of issues during his time on the Corporate Services Scrutiny Panel. He also served on a Sub-Panel looking at the impact of zero/ten, as well as Overseas Aid and migration Sub-Panels.

He was appointed as Assistant Minister for Health and Social Services, and was then appointed as Minister for Health and Social Services in December 2008, but resigned in April 2009. He rejoined the Public Accounts Committee and the Corporate Services Scrutiny Panel, on which he had served before becoming an Assistant Minister.

He was a keen cricketer, and before he was a member of the States he was instrumental in the creation of cricket pitch on his land. This became the usual venue for the annual Jersey vs. Guernsey States Members cricket match in which he always took an active part.

### **Silvanus Arthur (Silva) Yates – first elected in June 2006 (5½ years' service)**



First elected as Connétable of St. Martin in June 2006 and re-elected unopposed in 2008.

He spoke rarely in debates, but when he did his speeches were concise and thoughtful. His speech during the debate on the transfer of funds from the Health Insurance Fund to the Health and Social Services Department was most memorable, and was quoted in part by the Minister for Social Security when the matter came before the States again in 2012. His work on Scrutiny included a review of the Income Support system, Social Housing (Homebuy) and Income Support Benefit levels.

He represented Jersey at a Commonwealth Parliamentary Association regional conference in Gibraltar in 2008 where his father had served in the armed forces.

**Graeme Frank Butcher – first elected in December 2006 (5 years’ service)**



First elected Connétable of St. John in December 2006 and re-elected in 2008.

He was initially involved with Scrutiny and served on the Sub-Panel into the importation of bovine semen – one of the most controversial but also best received Scrutiny Reports. On the Education and Home Affairs Scrutiny Panel he worked on various reviews, including the policing of events, user pays proposals, Early Years Education and the role of the Centenier in the Magistrate’s Court.

He was appointed as Assistant Minister for Housing from June 2010 and served in this role (under both Deputy S. Power of St. Brelade and Deputy A.K.F. Green of St. Helier) until his retirement from the States.

**Mr. Peter Frederick Maurice Hanning – first elected in August 2007 (4¼ years’ service)**



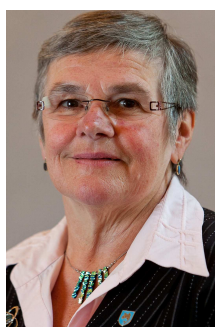
First elected Connétable of St. Saviour in August 2007 and re-elected in September 2008.

He was a member of the Privileges and Procedures Committee from 2008 to 2011 and served on the Sub-Committee set up to review the Public Elections (Jersey) Law 2002.

He was heavily involved in the Planning Applications Panel throughout his time in the States, having been appointed a member in September 2007. He represented the Panel on many occasions at Complaints Board appeal hearings.

He was a staunch supporter of the primary school visits to the States Chamber and attended every single one for any school based in St. Saviour, which represented a significant number of visits.

**Mrs. Angela Elizabeth Jeune – elected in December 2008 (3 years’ service)**



Elected as Deputy of St. Brelade No. 1 in December 2008 and appointed as the Assistant Minister for Social Security immediately after her election. As well as her work with that Department where she took a great interest in income support matters, Deputy Jeune, as a qualified nurse, was keenly interested in the Health and Social Services Department. She asked a number of questions in the States in relation to health matters and was very keen to ensure that the public sector provided value for money, particularly in terms of staff pay and conditions, and she would question any instance of staff coming from outside the Island and receiving large payments.

**Mr. Daniel John Arabin Wimberley – elected in December 2008 (3 years’ service)**



Elected as Deputy of St. Mary in 2008 and renowned for his environmental views. His interest in environmental matters saw him bring a number of propositions to the Assembly, including: an unsuccessful attempt to rescind the decision to build a new Energy from Waste Plant, a successful proposition that resulted in agreement to the publication on the Internet of incinerator emissions data, together with many amendments to the Annual Business Plans, Strategic Plan, North of Town Masterplan, Island Plan and Sustainable Transport Strategy.

He was also interested in government reform, and his proposition to establish an independent Electoral Commission was adopted in March 2011.

He served on 2 Scrutiny Panels throughout his term of office – Economic Affairs and Environment, and was involved in a large number of reviews with these Panels.

**Mrs. Anne Teresa Dupré – elected in December 2008 (3 years’ service)**



Elected as Deputy of St. Clement in December 2008.

Immediately after her election she was appointed as Assistant Minister for Education, Sport and Culture and, in addition to her overall work as part the ministerial team, she had special responsibility for cultural matters, dealing with the many organisations and bodies whose activities were funded by the States and having responsibility for taking forward the Cultural Strategy.

**Debbie De Sousa – elected in December 2008 (3 years’ service)**



Elected as Deputy of St. Helier No. 1 in December 2008.

She was a regular contributor during debates in the States and her speeches were often brief but well constructed. She had a strong social conscience and was a staunch supporter of workers’ rights, serving on the States Employment Board; and was also heavily involved with efforts to ensure Woolworths’ staff received redundancy payments after that store closed in December 2008.

She served on Scrutiny on both the Health, Social Security and Housing and Corporate Services Panels. Mrs. De Sousa took part in the review of the plans for the Jersey Development Company and she also led the review of Dental Health Services, and was a Panel member on various other reviews, including Income Support and the co-ordination of services for vulnerable children.



### 1.3 Newly elected members



Following the single election day on Wednesday 19th October 2011, 16 new members joined the new Assembly when it convened for the first time on Monday 14th November 2011 after members had taken the oath of office in the Royal Court.

Four of the 16 new members had been members previously and were rejoining the Assembly after a period of absence.

**Senator Lyndon J. Farnham** was re-elected after a 6 year absence, having previously served as Deputy of St. Saviour No. 2 between 1999 and 2005.

**Senator Sir Philip M. Bailhache** rejoined the Assembly after a 2 year absence. He was first elected as Deputy of Grouville in 1972, but appointed as H.M. Solicitor General in 1975. He was sworn in as H.M. Attorney General in 1986 and as Deputy Bailiff in 1994. He served as Bailiff of Jersey, in which capacity he was President of the States, from 1995 to 2009, when he retired from office.

**Deputy Gerard C.L. Baudains** was re-elected as Deputy of St. Clement after a 3 year absence. He had previously served in this capacity from 1998 until 2008.

**Deputy Patrick J.D. Ryan** was elected as Deputy of St. John and returned to the Assembly after a 3 year absence, having served as Deputy of St. Helier No. 1 from 2002 until 2008.

Twelve members were elected for the first time in the October 2011 elections.

**The 'Class of 2011'**

			
<p>Senator L.J. Farnham</p>	<p>Senator Sir P.M. Bailhache</p>	<p>Deputy G.C.L. Baudains (St. Clement)</p>	<p>Deputy P.J.D. Ryan (St. John)</p>
			
<p>Connétable M.J. Paddock (St. Ouen)</p>	<p>Connétable S.W. Pallett (St. Brelade)</p>	<p>Connétable M.P.S. Le Troquer (St. Martin)</p>	<p>Connétable S.A. Rennard (St. Saviour)</p>
			
<p>Deputy J.P.G. Baker (St. Helier No. 1)</p>	<p>Deputy J.H. Young (St. Brelade No. 1)</p>	<p>Deputy S.J. Pinel (St. Clement)</p>	<p>Deputy J.M. Le Bailly (St. Mary)</p>
			
<p>Deputy S.G. Luce (St. Martin)</p>	<p>Deputy R.G. Bryans (St. Helier No. 2)</p>	<p>Deputy K.L. Moore (St. Peter)</p>	<p>Deputy R.J. Rondel (St. Helier No. 3&amp;4)</p>

## **1.4 The make-up of the new Assembly**

When comparing the characteristics of the ‘old’ States and the ‘new’ States, the only fair comparison is between the composition of the ‘old’ States when that Assembly was first constituted at the end of 2008 and the new States at the start of the current 3 year term; as the passage of time clearly meant that all members aged by 3 years and gained 3 additional years’ service in the period 2008 to 2011.

As shown in the tables below, the average length of elected service and age of new Assembly that convened for the first time on 14th November 2011 was very similar to the 2008 Assembly, although the detailed breakdown within the categories obviously varies considerably.

### **1.4.1 Average length of service as an elected member**

The overall average length of elected service of the 51 elected members on 31st December 2011 was just over 6 years, almost identical to the average for the old States when they first met in 2008. The longest-serving member of the new Assembly, Connétable L. Norman of St. Clement, had served as an elected member for 28½ years and 3 other members, Senator P.F. Routier, Senator A. Breckon and Deputy R.C. Duhamel of St. Saviour had all served for 18 years. Exactly two-thirds of members had served for 6 years or less.

Within the 3 categories of membership the average length of service of members of the new Assembly was as follows –

	<b>Average length of service</b>
<b>Senators</b>	8 years
<b>Connétables</b>	7 years
<b>Deputies</b>	5 years

#### 1.4.2 Average age of elected members

The average age of elected members of the new Assembly was 54 years old, very similar to the December 2008 average age of 53. The breakdown in the age of the 51 members of the new Assembly is given in the following table –

Age	Number of members			
	Senators	Connétables	Deputies	TOTAL
22 to 24	0	0	1	<b>1</b>
25 to 29	0	0	1	<b>1</b>
30 to 34	0	0	1	<b>1</b>
35 to 39	0	0	3	<b>3</b>
40 to 44	2	0	0	<b>2</b>
45 to 49	2	0	3	<b>5</b>
50 to 54	0	4	4	<b>8</b>
55 to 59	1	1	9	<b>11</b>
60 to 64	3	3	5	<b>11</b>
65 to 69	2	3	2	<b>7</b>
70 to 74	0	1	0	<b>1</b>

#### 1.4.3 Number of male and female members

The make up of the membership of the Assembly during 2011 is set out below. Although the percentage of female members increased because of the overall reduction in membership the actual number of female members remained constant at 12.

'Old' States	Female	Male	'New' States	Female	Male
12 Senators	1	11	10 Senators	1	9
12 Connétables	2	10	12 Connétables	3	9
29 Deputies	9	20	29 Deputies	8	21
<b>Total (53)</b>	<b>12</b>	<b>41</b>	<b>Total (51)</b>	<b>12</b>	<b>39</b>

## 1.5 His Excellency the Lieutenant Governor – a farewell and a welcome

2011 saw the departure of one Lieutenant Governor and the arrival of another to take up his 5 year term of office. His Excellency the Lieutenant Governor is a member of the States by virtue of his office although he has no right to vote. His Excellency is not prohibited from speaking in the Assembly, but by tradition and convention, the Lieutenant Governor only addresses the Assembly on the day of his arrival and, 5 years later, on the day of his departure.

On 30th June 2011 the Assembly convened to bid farewell to Sir Andrew Ridgway and Lady Ridgway at the end of their term of office and before they left the Island later that day. In paying tribute to the departing Lieutenant Governor, the Chief Minister, Senator T.A. Le Sueur, drew attention to the keen interest in Island politics and Island life that Sir Andrew had shown during his term of office. He also drew attention to the considerable interest in local charities that His Excellency and Lady Ridgway had taken during their time in Jersey with, between them, patronage of 88 different organisations. He also reminded members of His Excellency's determination in 2006 to establish a Jersey bobsleigh team and pointed out that this had been successfully achieved with 2 members of the team selected to represent Great Britain in various championships. In closing, the Chief Minister drew attention to the pleasure felt by members of the States and Islanders when a knighthood was conferred on Sir Andrew Ridgway in the 2011 Queen's Birthday Honours which was a fitting conclusion to his term of office in Jersey. The Chief Minister, on behalf of all members, wished Sir Andrew and Lady Ridgway all the best for their move to Devon.



*(Photo courtesy of the Jersey Evening Post)*

In his response, Sir Andrew reflected on the changes that had taken place in the membership of the Assembly since his welcome on 15th June 2006, drawing attention to the fact that only one Minister from that time remained in ministerial office. He also noted that the Bailiff, Deputy Bailiff, Attorney General and Solicitor General were all new in post since his arrival, with only the Dean among the non-elected members of the Assembly remaining in office. Sir Andrew drew attention to the challenges facing Jersey, but concluded that Islanders should reflect on the fact that the community in Jersey enjoyed a broadly similar level of public services in terms of health, social services, education and social security to that of most European nations, with a much lower level of taxation. Sir Andrew also drew attention to the enormous benefits that the Island drew from its enduring culture of honorary service and the powerful charitable sector. His Excellency expressed the view that Ministerial Government was still in its relative infancy and gave his views on how Scrutiny should be developed, and how the Electoral Commission should undertake its work to review the composition of the Assembly. In closing, His Excellency thanked all those he had worked with during his five years in office and paid particular tribute to his staff at Government House. He also paid

public tribute to his wife, Lady Ridgway, pointing out that the work of any Lieutenant Governor is a team effort between His Excellency and his wife.



After the Special Sitting, members went into the Royal Square to join the many Islanders who had gathered to bid farewell to His Excellency and Lady Ridgway as they left the Island.

The States convened for a special Sitting on 27th September 2011 to welcome to the Island General Sir John McColl, who had been sworn in as the new Lieutenant Governor the previous day in the Royal Court. Sir John had a very distinguished

military career, with his final serving appointment being Deputy Supreme Allied Commander Europe, a post which he relinquished in March 2011. Sir John and Lady McColl were welcomed on behalf of all States members by the Chairman of the Privileges and Procedures Committee, Connétable Juliette Gallichan. The Chairman of PPC drew attention to the special relationship of the Island with the Crown and the very great appreciation of the office of the Lieutenant Governor by Islanders. She expressed the view that by sitting in the Assembly and observing the progress of debates, the Lieutenant Governor could better understand the deliberations of the States and, in turn, ensure that the views of the Island's parliament were accurately communicated to and understood by the United Kingdom government. The Chairman pointed out that the Lieutenant Governor and his wife would meet Islanders from all walks of life and, in some cases, their patronage of a charity would be a crucial boost to recognition of a worthy cause. On behalf of all members she expressed the hope that they would both find their time in the Island not only challenging and fulfilling, but also greatly enjoyable.



*(Photo courtesy of the Jersey Evening Post)*

In response, His Excellency thanked members and other Islanders for the warmth of the welcome that he and Lady McColl had received since their arrival. He expressed the view that the subtleties of the Island's structures and the current issues facing Jersey might not be widely understood outside the Island, particularly in Whitehall, and he pledged to do all he could to strengthen dialogue with the United Kingdom. For that reason, he valued sincerely his place in the States Chamber so that he could be aware of issues facing the Island. He concluded by informing members that he and his wife looked forward to involving themselves fully in Island life and stated that there could be no greater honour for him than to represent Her Majesty The Queen in one of her Crown Dependencies.

## 1.6 Tributes to former members

Five former members of the States passed away during 2011 and, in the customary manner, the Bailiff or Deputy Bailiff paid tribute to each one at the next Sitting of the Assembly. Extracts from those tributes are reproduced below.

### **Mr. Michael (Mike) Vibert passed away on 15th January 2011 Deputy of St. Brelade between 1996 and 2002, Senator between 2002 and 2008**

#### The Bailiff, 18th January 2011

“Members will be aware that Mr. Mike Vibert, the former Deputy and Senator of this Assembly died suddenly on Saturday. Mr. Vibert trained as a teacher and subsequently taught at various schools including d’Hautrée, but he then decided that journalism was for him and after some three years at the Jersey Evening Post he was one of the founding members of staff of BBC Radio Jersey and he rose to become News Editor and Station Chief. As part of his responsibilities he provided commentary for broadcasting of sittings of this Assembly. He was clearly not put off by this because in 1996 he decided to enter the States and he was elected as a Deputy for St. Brelade No. 2 district which he represented for a second three year term as Deputy before being elected as Senator for 6 years in 2002. So he served a total of 12 years in the States.



**Senator M.E. Vibert at the CPA Small Branches conference in Canada in 2004 with Senator P.F. Routier and Connétable D.F. Gray of St. Clement**

He served on a number of Committees but his abiding interest lay in Education and in matters of Sport, Leisure and Recreation. He was the last President of the Sport, Leisure and Recreation Committee before it amalgamated with the Education Committee and he was then President of that new Committee for three years before becoming the first Minister for Education, Sport and Culture from 2005 to 2008.

A number of important decisions were taken during his time as President or Minister. He took the Early Years Strategy to the States and fought successfully to introduce 20 hours free nursery education for all children under 4. The Strategy also led to the creation of ‘the Bridge’, which I had the privilege of visiting a while ago and which does so much for those who need help or assistance in one way or another. He abolished the SATS (Standard Assessment Tests) in Jersey because he thought they were stressful and often counter productive. During his tenure at Education new schools were built at Hautlieu and Le Rocquier and d’Auvergne Primary School was created. In the field of culture he brought the

first Cultural Strategy to the States in 2005. In terms of sport, he was a strong supporter of the Island Games and he was instrumental in Jersey's successful bid to have the 2015 Games here, albeit that this did not come to fruition until after he'd left office.

Now outside his area of responsibility as a Minister he persuaded the States to introduce TV licences for the less well off aged over 75 and he championed the creation of Les Creux Country Park as a Millennium project. He was also, as Members will be aware, a strong supporter of the Commonwealth Parliamentary Association. Very often former members who die have been retired from the Assembly for many years and have not therefore overlapped with members who are still here. But that is of course not so with Mr. Vibert who was a Senator as recently as 2008 so many members will have their own recollections of him, whether as a friend, or as a colleague or political adversary. He was certainly an effective member of the States, who could speak powerfully and persuasively in support of his point of view. He was usually commendably brief and to the point which only added to his debating skills. He was a staunch Jerseyman who didn't hesitate to stand up for his Island and for what he believed was right."

**Mr. Michael (Mike) Wavell passed away on 16th April 2011  
Deputy of St. Helier No. 1 between 1981 and 1990, Deputy of St. Saviour No. 3 between 1990 and 1999**

The Bailiff, 3rd May 2011

"Mike Wavell was first elected as a Deputy for St. Helier district Number 1 in 1981. Before that he had already shown his capacity for honorary service by serving as a Centenier in St. Helier. He served three terms as a Deputy for St. Helier Number 1 before moving to St. Saviour No. 3 for which he served a further 3 terms so making a total of 18 years service in the States.



He served on a number of Committees during this time but he will probably be best remembered for being President of the Defence Committee for 9 years from 1990 to 1999. During his term of office he appreciated that there were structural weaknesses in connection with the control of the States and Honorary Police and he set up the Committee chaired by Sir Cecil Clothier to look into it and following the report of that Committee he successfully brought forward proposals for a Police Authority, although after his departure from the States the matter rather lapsed. The recent resuscitation of the proposals by the Minister for Home Affairs is a tribute to his foresight.

He was a man who had the courage of his convictions and he was very instrumental in the decision to establish a local Territorial Army unit as the appropriate means of Jersey contributing to the UK's defence effort.

But his contribution to Island life did not diminish after he left the States – far from it. Following the Asian Tsunami he was the driving force for the creation of Side by Side which was instrumental in raising such very large sums for the victims of the Tsunami. Since then Side by Side has also been responsible for the building of a new school in the area of Kashmir controlled by Pakistan after the earthquake in that region and for raising funds following the floods in Madeira last year. In addition to his activities with Side by Side, he founded the Jersey Music Academy and the contribution of the Academy can be seen in the success of events such as the Jersey Instrumental Music Services Spring Concert, which I had the privilege of attending recently.



He was a very caring man, which I had personal knowledge of towards the end of my father's life. He would often refer to himself as an 'ordinary Jersey lad' who was fiercely proud of his Island. He may have considered himself to be an 'ordinary Jersey lad' but he had exceptional qualities which made the Island he loved a better place. He showed great courage through his recent illness and he has been taken from his family and Island far too soon at a time when he still had so much to contribute."

**Mrs. Helen Baker passed away on 25th April 2011**  
**Deputy of St. Martin between 1978 and 1984**

The Bailiff, 3rd May 2011

"Helen Baker was elected as Deputy of St. Martin in 1978 and she served two terms before retiring in December 1984. She served on a number of Committees including the Resources Recovery Board, Fort Regent, Broadcasting, Legislation and Gambling Control, but her greatest interest lay in planning matters and she was a hardworking member of the Island Development Committee throughout both her terms of office.



She was a passionate defender of the Island's built heritage and took a particular interest in applications which affected the countryside. In the States she spoke only when she felt she had something of particular importance to say and her speeches were invariably well constructed and thought through.

She will be particularly remembered for her forceful opposition to the flooding of Queen's Valley and she developed her arguments on this topic with considerable skill and passion."

**Mr. Graeme Rabet passed away on 26th April 2011**  
**Deputy of Grouville between 1987 and 1993, Deputy of St. Helier No. 3 between 1996 and 1999**

The Deputy Bailiff, 4th May 2011

"Graeme Rabet was born in Jersey in 1939 and attended St. Luke's and De La Salle College. After leaving school he joined the tourism industry and later became the Director of Falles Hire Cars which, especially prior to the arrival of 'Drive on/drive off' ferries, was a vital service business in tourism. Indeed, he was passionate about tourism and was President of the Battle of Flowers Association.



He was elected as Deputy for St. Helier district No. 1 in 1987 and re-elected in 1990. Although he was defeated when he stood as Deputy for Grouville in 1993, he returned to the States as Deputy for St. Helier No. 3 in 1996, leaving office at the end of his term in 1999.

He was at one time President of the Tourism and Gambling Control Committees and he also sat on a wide variety of Committees as a member of Housing, Agriculture and Fisheries, Sport, Leisure and Recreation, Harbours and Airport and Public Services Committees. Graeme Rabet was, according to those who knew him well, a quiet unassuming man who valued the Island's traditions and our way of life. Particularly whilst on the Housing Committee he demonstrated his care and feeling for all Islanders."

**David Crespel passed away on 22nd October 2011**  
**Deputy of St. Helier No. 1 between 1990 and 1996, Deputy of Trinity between 1996 and 2005**

The Bailiff, 1st November 2011

“Mr. Crespel was one of those Jerseymen who was involved in the finance sector from the very beginning, spending a total of some 40 years in finance altogether. He rose to become Managing Director for 22 years of Hambros Trust Company in the Channel Islands.



On retiring he immediately stood for the States and was elected as a Deputy for St. Helier Number 1 district in 1990. He served a further term as Deputy for that district before moving to Trinity and serving 3 terms as Deputy of Trinity retiring in December 2005. Altogether he served 15 years as Deputy and he was the Senior Deputy by the time of his retirement. He served on a number of Committees including Housing, Finance and Economics, Social Security and Policy and Resources.

He will be particularly remembered for being Vice President for three years and subsequently President for 5 years of the Establishment Committee, subsequently the Human Resources Committee, which position he filled with great ability. His long experience in the finance sector meant he was listened to particularly carefully when he spoke on financial matters in the States or on the various Committees on which he served. He was also extremely knowledgeable about pensions which stood him in good stead on the Establishment Committee.

He was an immensely courteous and well liked man but this did not mean he did not take a strong line when required. He was also a very compassionate man who was very aware of the needs of less fortunate members of the community. And it is a reflection of the regard in which he was held that in 2002 he was chosen to Chair the Working Party which looked into the relationship between the States and the Parishes. Its recommendations were well received and in fact were adopted by the States in 2004 and form the basis of the relationship which still exists today between the States and the Parishes. In particular the report recommended that the States should take over responsibility for all welfare payments (and these are now payable as Income Support) in exchange for the Parishes taking on certain other expenditures which had previously been borne by the States. It can be said therefore that he has left a lasting legacy as a result of the work he did.”

## 2. MEETINGS OF THE STATES



### 2.1 Introduction

As often happens in an election year the Assembly had an extremely busy schedule of meetings in 2011

The 'old' Assembly had an extremely heavy agenda in the months before the election as Ministers and others finalised work before the end of the 3 year electoral cycle. The new Assembly convened for the first time on 14th November 2011 and then met on a number of occasions to make the necessary appointments of Chief Minister, Ministers, Chairmen and members of Committees and Panels, as well as holding one meeting for ordinary business before the Christmas recess. The combination of these busy periods for both the 'old' and the 'new' States meant that the Assembly held 64 meetings in 2011, the highest ever number of meetings in a single year.

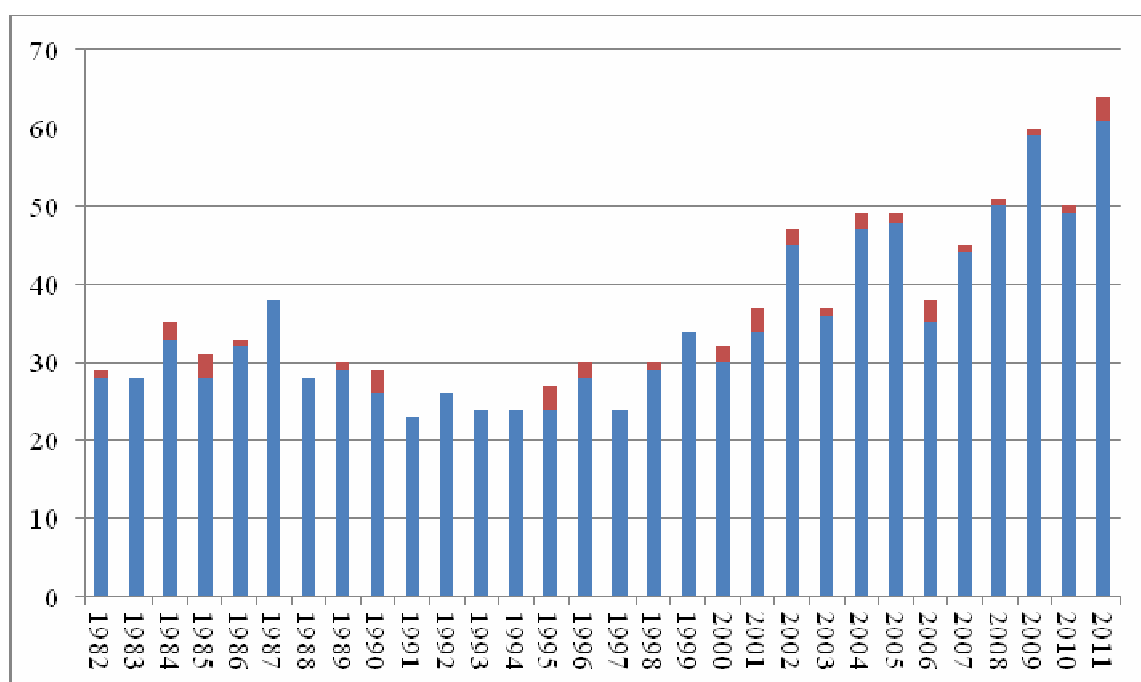
### 2.2 Number of meetings

Before 2011 the highest ever number of meetings in a year was 60 in 2009. The number of meetings fell to 50 in 2010, but as mentioned above the previous 'record' was broken in 2011 with 64 meetings on 63 days (the Assembly held 2 meetings on 30th June 2011, with one ceremonial meeting to bid farewell to His Excellency the Lieutenant Governor followed by a second meeting for normal business).

In common with the normal pattern over a 3 year period, 2011, being an election year, was the busiest of the 3 years in the life of the last States. The number of meetings over the last 3 years was as follows –

	<b>TOTAL</b>	<b>Ordinary business</b>	<b>Ceremonial, etc.</b>
2009	60	59	1
2010	50	49	1
2011	64	61	3

Although there have been busier and quieter years over the last 20 years there has, overall, been a trend of an increasing number of meetings, particularly in the last 10 years, as indicated in the graph below which shows the number of meetings each year since 1982 –

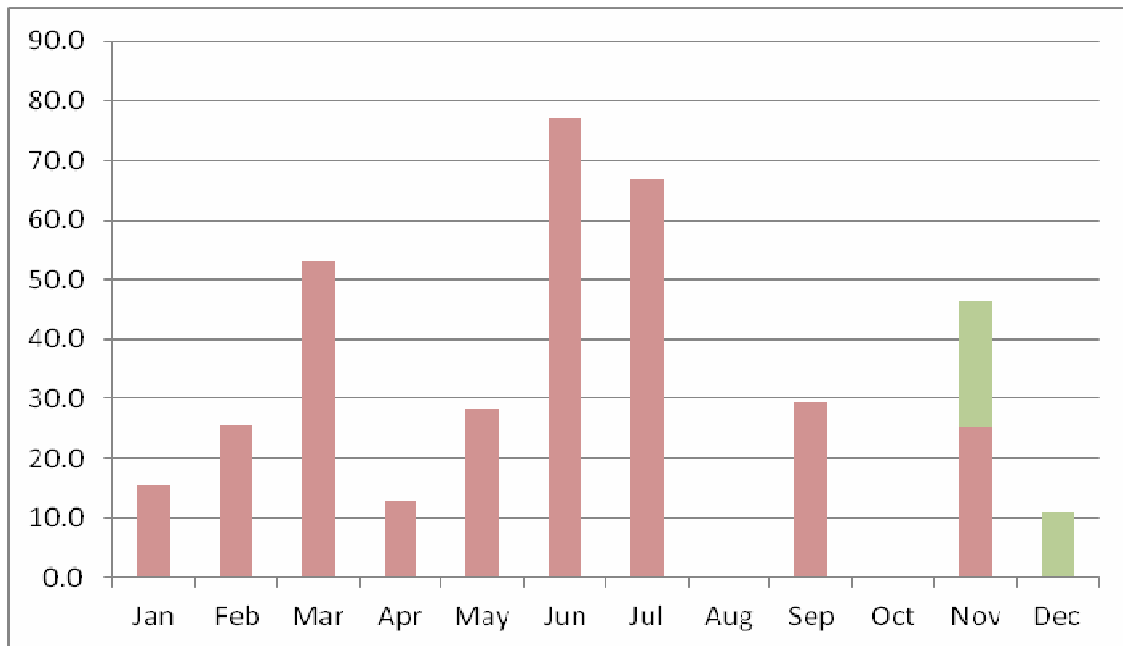


*(Meetings for normal business in blue, ceremonial meetings in red)*

### **2.3 Length of meetings**

The Assembly sat for a total of 366 hours and 31 minutes in 2011, just over 73 hours longer than in 2010 and some 14½ hours longer than the Assembly had ever sat before in a single year. The 3 ceremonial meetings (Liberation Day and the meetings to bid farewell to His Excellency the Lieutenant Governor and to welcome his successor) lasted for 77 minutes in total, meaning that the Assembly spent 365 hours and 14 minutes on ‘ordinary’ business. This time was divided between 333 hours and 24 minutes for the ‘old’ States and 31 hours 50 minutes for the ‘new’ Assembly.

With a busy schedule leading up to the summer recess, and no meetings at all in October because of the elections, the allocation of time throughout the 12 months of the year was quite irregular, as shown in the graph below –



*(Meetings of the 'old' States in pink, 'new' States in green)*

In addition to being a record-breaking year overall, 2011 also saw the longest ever debate on a single proposition with the debate on the draft Island Plan 2012 in June. The debate continued for some 6½ days and lasted for 39 hours and 55 minutes. 58 separate amendments to the Plan were lodged for debate, with 15 further amendments to those amendments.



## **2.4 Allocation of time**

The total of 365 hours and 14 minutes spent in the 'old' and the 'new' States on 'ordinary' business during the 61 meetings for ordinary business was broken down as follows –

	<b>‘Old’ States</b>	<b>‘New’ States</b>	<b>TOTAL</b>
Roll call/Communications from the Presiding Officer	7h 20m	1 hr 15m	8h 35m
Notification of presentations and propositions lodged	50m	4m	54m
Appointment of Ministers, Chairman etc	4h 51m	20h 28m	25h 19m
Notification of written answers tabled	57m	2m	59m
Oral questions with notice (inc Urgent questions)	29h 2m	1h 50m	30h 52m
Oral questions without notice	7h 48m	31m	8h 19m
Statements	7h 44m	4m	7h 48m
Public Business	269h 18m	7h 30m	276h 48m
Arrangements of Public Business for future meetings	5h 34m	6m	5h 40m
<b>TOTALS</b>	<b>333h 24m</b>	<b>31h 50m</b>	<b>365h 14m</b>

## 2.5 Oral Questions with notice

Oral questions with notice can be answered at any scheduled meeting of the Assembly, but not during continuation days unless they are approved by the Bailiff as urgent questions. There was one urgent question asked during 2011.

A total of 269 oral questions with notice and one urgent question were answered during the year, with 9 other questions that had been listed on the Order Paper not being answered because the 2 hour period allocated had expired. The total time spent answering the 269 questions with notice was 30 hours and 42 minutes, meaning that an average of 6.8 minutes was spent on each one.



The breakdown of Ministers/Committees and others with official responsibility answering the oral questions with notice (including the urgent question) was as follows –

	<i>2011</i>	<i>2010</i>
Treasury and Resources	<b>56</b>	69
Chief Minister	<b>44</b>	58
Economic Development	<b>38</b>	41
Health and Social Services	<b>37</b>	35
Planning and Environment	<b>19</b>	20
Transport and Technical Services	<b>18</b>	15
Home Affairs	<b>15</b>	37
Education, Sport and Culture	<b>12</b>	23
Social Security	<b>9</b>	9
H.M. Attorney General	<b>7</b>	6
Housing	<b>5</b>	10
Comité des Connétables	<b>3</b>	2
Public Accounts Committee	<b>2</b>	0
Privileges and Procedures Committee	<b>2</b>	12
Chairmen's Committee	<b>1</b>	0
Health, Social Security and Housing Scrutiny Panel	<b>1</b>	0
Consumer Council	<b>1</b>	0
Corporate Services Scrutiny Panel	<b>0</b>	1
<b>TOTAL</b>	<b>270</b>	338

## 2.6 Oral Questions without notice

Following the period of oral questions with notice at every scheduled States meeting there is a period of 30 minutes set aside for oral questions without notice to Ministers. Two Ministers answer for up to 15 minutes each on a rota basis, with the Chief Minister answering at every other States meeting. A total of 8 hours, 19 minutes was spent on oral questions without notice during the year.

Ministers answered as follows:

	<i>2011</i>	<i>2010</i>
Chief Minister	<b>8</b>	9
Deputy Chief Minister for Chief Minister	<b>1</b>	1
Treasury and Resources	<b>4</b>	3
Economic Development	<b>3</b>	3
Home Affairs	<b>3</b>	3
Housing	<b>3</b>	3
Planning and Environment	<b>2</b>	4
Social Security	<b>2</b>	4
Transport and Technical Services	<b>2</b>	4
Education, Sport and Culture	<b>2</b>	3
Health and Social Services	<b>2</b>	3
<b>Total</b>	<b>32</b>	40

## 2.7 Written Questions

As there were less meetings than in 2010 at which written answers were tabled (because of the elections), there were less written questions in 2011. 395 written answers were tabled at 17 meetings compared with 482 at 20 meetings in 2010, an average in 2011 of 23.2 questions per meeting. The largest number tabled at one sitting was 46 on 5th July 2011, with 13 answered by the Minister for Treasury and Resources alone on that day.



The breakdown of Ministers, Panels, Committees and others answering the written questions was as follows –

	<i>2011</i>	<i>2010</i>
Treasury and Resources	<b>73</b>	84
Chief Minister	<b>68</b>	67
Health and Social Services	<b>62</b>	44
Economic Development	<b>43</b>	56
Planning and Environment	<b>37</b>	43
Transport and Technical Services	<b>28</b>	28
Social Security	<b>20</b>	33
Education, Sport and Culture	<b>14</b>	27
Housing	<b>14</b>	21
Home Affairs	<b>13</b>	47
Privileges and Procedures Committee	<b>9</b>	17
H.M. Attorney General	<b>8</b>	9
Comité des Connétables	<b>2</b>	6
Public Accounts Committee	<b>2</b>	0
Corporate Services Scrutiny Panel	<b>1</b>	0
Health, Social Security and Housing Scrutiny Panel	<b>1</b>	0
<b>TOTAL</b>	<b>395</b>	<b>482</b>



## 2.8 Statements

There were 39 statements made in the Assembly during 2011, and these statements and the period of questioning that followed lasted a total of 8 hours, 2 minutes (which includes the 14 minutes for the Liberation Day statement) meaning that each statement took an average of some 12.3 minutes.



34 of the statements were made by Ministers and other office-holders on matters of official responsibility and 5 were personal statements.

The breakdown of those making statements was as follows –

	<i>2011</i>	<i>2010</i>
Chief Minister	<b>6</b>	1
Economic Development	<b>5</b>	5
Personal Statements	<b>5</b>	3
Education and Home Affairs Scrutiny Panel	<b>4</b>	0
Treasury and Resources	<b>4</b>	3
Corporate Services Scrutiny Panel	<b>3</b>	1
Education, Sport and Culture	<b>2</b>	4
Housing	<b>2</b>	3
Privileges and Procedures Committee	<b>2</b>	3
Comité des Connétables	<b>1</b>	1
Commonwealth Parliamentary Association	<b>1</b>	0
Health, Social Security and Housing Scrutiny Panel	<b>1</b>	3
Planning and Environment	<b>1</b>	1
Social Security	<b>1</b>	0
Transport and Technical Services	<b>1</b>	3
Health and Social Services	<b>0</b>	1
Home Affairs	<b>0</b>	1
Tidal Power Commission	<b>0</b>	1
<b>TOTALS</b>	<b>39</b>	34

## 2.9 Public Business

During the year the Assembly spent a total of 276 hours, 48 minutes on Public Business, which was an increase of some 55 hours over the 2010 total. The time spent on Public Business represented 75.5% of the total sitting hours during the year.



The total number of propositions debated during the year was 189, compared to 155 in 2010 and 181 in 2009. The breakdown of the number of each type of proposition debated during the year was as follows –

	<i>2011</i>	<i>2010</i>
Private members' policy matters	<b>61</b>	45
Laws	<b>40</b>	21
Regulations	<b>31</b>	28
Ministers' policy matters	<b>23</b>	13
Appointments	<b>16</b>	20
Legislative Acts (including Appointed Day Acts)	<b>6</b>	13
Standing Orders	<b>4</b>	1
PPC/Comité des Connétables policy matters	<b>2</b>	2
Scrutiny Panels/PAC policy matters	<b>1</b>	4
Strategic Plan/Annual Business Plan/Budget	<b>2</b>	2
'In Committee' debate	<b>1</b>	0
No confidence/dismissal/censure	<b>1</b>	1
Petitions	<b>1</b>	5
<b>TOTAL</b>	<b>189</b>	155

The total time spent on the various categories of proposition, the percentage of the total time and the average time spent per proposition in each category is shown in the following table –

	<b>Total time</b>	<b>% of total time</b>	<b>Average time per projet (Minutes)</b>
Private members' policy matters	<b>114h 1m</b>	41.2%	112
Laws	<b>51h 8m</b>	18.5%	77
Ministers' policy matters	<b>50h 33m</b>	18.3%	132
Regulations	<b>21h 28m</b>	7.8%	42
Strategic Plan/Annual Business Plan/Budget	<b>21h 11m</b>	7.7%	636
Appointments	<b>5h 2m</b>	1.8%	19
'In Committee' debate	<b>3h 36m</b>	1.3%	216
Petitions	<b>2h 17m</b>	0.8%	137
Standing Orders	<b>2h 15m</b>	0.8%	34
No confidence/dismissal/censure	<b>1h 54m</b>	0.7%	114
Scrutiny Panels/PAC policy matters	<b>1h 36m</b>	0.6%	96
PPC/Comité des Connétables policy matters	<b>1h 23m</b>	0.5%	42
Legislative Acts (including Appointed Day Acts)	<b>24m</b>	0.1%	4
<b>TOTAL</b>	<b>276h 48m</b>		

As mentioned in previous Annual Reports, it is of interest to note that debates on propositions brought by private members took up a significant percentage of the overall time.

The percentage of time spent on legislation (draft Laws, Regulations, Legislative Acts and Standing Orders), another matter that has been mentioned in previous reports, rose from 13.5% of the total Public Business time in 2010 to 27.5% in 2011. This was undoubtedly as a result of the significant steps taken before the election by Ministers to bring forward many pieces of legislation that had been developed during their 3 year term and, as shown above, the number of draft Laws that were debated increased from 21 in 2010 to 40 in 2011.

The total time spent on policy, financial and other propositions from Ministers that were not legislation (general policy matters, Annual Business Plan/Budget and appointments) was 76 hours, 46 minutes; similar to the 2010 figure of 79 hours, 38 minutes although, because of the overall increase in time spent, this represented a lower percentage of the overall total (27.8% in 2011 against 36.2% in 2010). It should also be noted that 39 hours and 55 minutes of the 2011 total was taken up with one single debate on the draft Island Plan and associated amendments as mentioned earlier.

The number of propositions lodged 'au Greffe' during any year will always differ from the number of propositions debated, as some propositions that are debated during the year have been lodged in the last few months of the previous year and, similarly, some propositions lodged during a year will not be debated until the following year. In addition, there are a quite significant number of propositions lodged that are never debated as they are withdrawn before coming to the Assembly.

The number of propositions lodged during the year is nevertheless a useful indication of the level of activity and can be compared from year to year.

During 2011, 197 new propositions were lodged, almost identical to the 2010 total of 199. The breakdown into the different types of propositions lodged was as follows –

	<i>2011</i>	<i>2010</i>
Private members policy matters	<b>74</b>	73
Laws	<b>38</b>	23
Regulations	<b>32</b>	31
Appointments	<b>19</b>	24
Ministers' policy matters	<b>18</b>	23
Legislative Acts (including Appointed Day Acts)	<b>4</b>	10
Standing Orders	<b>3</b>	2
Annual Business Plan/Budget/Strategic Plan	<b>2</b>	2
Chairmen's Committee/Scrutiny Panel/PAC policy	<b>2</b>	3
Petitions	<b>2</b>	3
PPC/Comité des Connétables policy matters	<b>2</b>	3
No confidence/dismissal/censure	<b>1</b>	2
<b>TOTALS</b>	<b>197</b>	199

The following table shows those responsible for lodging the 197 propositions –

	<i>2011</i>	<i>2010</i>
Private members	<b>78</b>	79
Minister for Economic Development	<b>25</b>	22
Minister for Social Security	<b>23</b>	10
Chief Minister	<b>22</b>	36
Minister for Treasury and Resources	<b>13</b>	14
Minister for Planning and Environment	<b>7</b>	8
Privileges and Procedures	<b>7</b>	8
Minister for Home Affairs	<b>6</b>	8
Minister for Health and Social Services	<b>5</b>	2
States Employment Board	<b>4</b>	0
Minister for Transport and Technical Services	<b>2</b>	3
Chairmen's Committee	<b>1</b>	0
Comité des Connétables	<b>1</b>	1
Council of Ministers	<b>1</b>	1
Education and Home Affairs Scrutiny Panel	<b>1</b>	0
Minister for Education, Sport and Culture	<b>1</b>	3
Environment Scrutiny Panel	<b>0</b>	1
Health, Social Security and Housing Scrutiny Panel	<b>0</b>	1
Minister for Housing	<b>0</b>	1
Public Accounts Committee	<b>0</b>	1
<b>TOTALS</b>	<b>197</b>	199

Any proposition lodged can be subject to amendment and, in turn, amendments may be subject to amendment to amendments. The total number of amendments and amendments to amendments lodged during 2011 was as follows –

	2011	2010
Amendments	127	87
Amendments to amendments	21	12
<b>TOTALS</b>	<b>148</b>	99

It should be noted, however, that 58 of the above total of amendments, and 15 of the amendments to amendments, related to the draft Island Plan proposition (P.48/2011).

## **2.10 Significant debates during 2011**

It is clearly a subjective judgement for anyone to attempt to identify the most important or significant items debated by the Assembly during the year as the relative importance of matters will depend largely on every person's personal opinions, but some of the items discussed by the Assembly that may be considered as the most significant for the Island were as follows.

### **Freedom of Information**

After many years of consultation and research, the States adopted the Freedom of Information (Jersey) Law 201-. The Law will give statutory rights of access to certain categories of information held by public authorities and allow a right of appeal against any refusal to grant access. The Law was adopted on the basis that it will not come into effect for several years to allow States departments to prepare for its introduction.

### **Composition of the States**

After the 'in principle' decision of the States in 2010 to reduce the overall membership of the Assembly from 53 to 49 over the period of time and to move towards a common 4 year term of office for all members, the States approved the States of Jersey (Miscellaneous Provisions) Law 201- which gave effect to the decision. The decision remained politically controversial and there were 2 attempts to overturn it, but both were unsuccessful by very small majorities, and the reforms with the elections in October 2011 which saw the first stage of the reduction in the number of Senators from 12 to 10. In March the States also agreed in principle to establish an independent Electoral Commission to make recommendations on the future composition of the Assembly.

### **Increase in the state pension age**

In response to concerns about the ageing population, the States agreed to increase the pensionable age from 65 to 67 by 2031, with the increases beginning in 2020 at a rate of 2 months per year.

### **Canons of the Church of England**

In an unusual debate for the Assembly, members agreed to endorse the revised Canons of the Church of England which updated and replaced the Canons which had been put in place in 1623 in the time of King James I. Before being submitted to Her Majesty in Council, the draft Canons required the approval of the Bishop of Winchester, the Dean of Jersey, the Ecclesiastical Court, the Deanery Synod of the Island and the States.

### **Jersey Police Authority**

The States agreed in principle to the establishment of an independent Police Authority to provide oversight of the States of Jersey Police, and the necessary legislation to give effect to the decision was lodged later in the year for debate in 2012.

### **Jersey Consumer Council**

The States agreed to revise the membership and structure of the Jersey Consumer Council which had been chaired by Senator Alan Breckon since its establishment in 1995. Under the agreed new structure, the Council will be chaired by a person who is not a member of the States.

### **Public Elections Law and regulation of election expenses**

The States agreed a number of amendments to the Public Elections (Jersey) Law 2002 to facilitate the single election day in October and to improve access to the voting process. One of the most significant amendments was to open pre-poll voting to all electors rather than restricting it to electors who were out of the Island or otherwise committed on polling day. The States also re-enacted the Regulations governing the rules relating to election expenses.

### **Repatriation of Prisoners**

The States approved legislation which will facilitate the transfer between Jersey and places outside the British Isles of persons detained in prisons, hospitals or other institutions by virtue of orders made by courts and tribunals.

### **Island Plan and North of Town Masterplan**

As referred to elsewhere in this Annual Report, the debate on the draft Island Plan 2012 was the longest ever debate in the States. The Island Plan sets out the overall planning policies for the Island, and the new Plan created new zoning categories and created a Coastal Park for much of the sensitive landscape around Jersey's coast. The Island Plan debate was followed by a debate on the North of Town Masterplan, which set out new planning and land use policies for the northern area of St. Helier.

### **Control of Work and Housing legislation**

After several years of consultation and formulation of policy the States approved revised legislation to regulate how access to housing and employment is monitored and regulated in Jersey. The new legislation will replace the current Housing Law and the Regulation of Undertakings and Development Law, as well as creating a population database for the first time.

### **Civil Partnerships**

Following the ‘in principle’ agreement of the States in 2009 that same-sex couples should be allowed to enter into a civil partnership to gain the same legal rights as married couples, the States approved the necessary legislation to give effect to the decision. It is anticipated that the legislation will be in force during 2012.

### **Long-term Care Law**

In response to concerns about the ageing population and about the need for elderly residents to be obliged to sell their homes when going into long-term residential care, the States approved legislation that will establish a new contributory scheme to meet some of the costs of long-term residential care.

### **Gambling Law**

The States approved new legislation to replace the 1964 Gambling Law, and to give new powers to the Jersey Gambling Commission, which was established to regulate and licence gambling in the Island. The legislation built on earlier moves to allow e-gaming which was seen as a potential new industry for the Island.

### **Sunday trading legislation**

Following the enactment of enabling legislation in 2010, the States adopted the necessary subordinate legislation to establish a new regime of Sunday trading in Jersey. The new legislation still prevents most large stores opening on Sunday on a regular basis, but rationalises the previous Sunday opening regime.

### **Tax Information Exchange and Double Taxation Agreements**

The States continued to ratify a significant number of agreements that had been signed with other jurisdictions as part of the Island’s ongoing commitment to sign such Agreements. During 2011, Agreements with China, Mexico, Turkey, Estonia, Canada, Indonesia, the Czech Republic, Argentina and South Africa were ratified.

### **Chief Minister – open ballot**

The States agreed amendments to Standing Orders (following ‘in principle’ agreement through a private member’s proposition) to change the voting procedure for the Chief Minister from a secret ballot to an open ballot, and this was in place for the election of the new Chief Minister on 14th November 2011.

### **Annual Business Plan and Budget**

Once again, the Annual Business Plan debate in September that fixed spending limits for 2012 was a significant debate lasting for almost 16½ hours over 3 days. The Budget was, however, approved much more quickly than in previous years, being approved in a single day. The 2 debates were the last in their present format, as the States also approved amendments to the Public Finances Law that meant that the annual debate on expenditure will, in future, be replaced with a single debate every 3 years to fix 3 year spending limits in a Medium Term Financial Plan.

# **3. PRIVILEGES AND PROCEDURES COMMITTEE**

## **3.1 Membership**

The membership of the Privileges and Procedures Committee (PPC) at the start of 2011 was as follows –

Connétable J. Gallichan of St. Mary (Chairman)  
Deputy C.H. Egré of St. Peter (Vice-Chairman)  
Senator B.I. Le Marquand  
Deputy J.B. Fox of St. Helier  
Deputy J.A. Martin of St. Helier  
Deputy M. Tadier of St. Brelade  
Deputy M.R. Higgins of St. Helier.

The States, on 20th January 2011, received the resignation of Deputy C.H. Egré of St. Peter. The Committee, on 25th January 2011, appointed Deputy J.B. Fox of St. Helier as Vice-Chairman. The States, on 1st February 2011, appointed Deputy T.M. Pitman of St. Helier as a member of PPC.

The States, on 3rd May 2011, received the resignation of Deputy M.R. Higgins of St. Helier as a member of PPC. The States, on 18th May 2011, appointed Senator S.C. Ferguson as a member of PPC.

Following the elections, the new PPC was constituted and the States appointed Connétable A.S. Crowcroft of St. Helier as Chairman on 22nd November 2011. On 6th December 2011, the following Members were appointed to serve on the Committee –

Senator S.C. Ferguson  
Senator Sir P.M. Bailhache  
Connétable L. Norman of St. Clement  
Deputy J.A. Martin of St. Helier  
Deputy M. Tadier of St. Brelade  
Deputy K.L. Moore of St. Peter

The Committee, on 14th December 2011, appointed Deputy M. Tadier as Vice-Chairman.

## **3.2 Meetings**

The Committee held 22 formal meetings during the year and recorded another 14 meetings as telephone/electronic mail meetings. Meetings were normally held on a fortnightly basis in the meeting rooms in the States Building.



### 3.3 Significant items dealt with by the Committee

The Committee dealt with a large number of different matters during the year, and some of the most significant of these items were as follows –

- **Freedom of Information (Jersey) Law.** The ‘Draft Freedom of Information (Jersey) Law 201-’ (P.39/2011) was lodged *au Greffe* by PPC on 15th March 2011. The proposition was adopted by the States on 4th May 2011 and the legislation is scheduled for implementation in 2015. The Committee also presented a report to the States on 23rd December 2011 entitled ‘Guidance on access by States Members to official information’ (R.153/2011), which clarifies the position in respect of members’ rights of access to official information.
- **Composition and Election of the States.** The States agreed on 10th September 2009 to introduce a single election day in each election year (P.109/2009). In May 2010 the States adopted the ‘Draft States of Jersey (Period for Election) (Jersey) Regulations 201-’ (P.56/2010) to give effect to this decision. During the debate there were several calls to move to a spring election, and this was considered by PPC, along with other possible reforms, during 2010. The discussions culminated in the lodging by the Committee of the proposition ‘Composition of the States: spring election and move to 4 year term of office’ (P.118/2010), which was adopted by an absolute majority of the States on 13th October 2010. It was agreed that, over time, the term of office of all members of the States should be 4 years; the single election day for all members should be moved to the spring and the number of Senators should be reduced from 12 to 8. The ‘Draft States of Jersey (Miscellaneous Provisions) Law 201-’ (P.176/2010) was lodged *au Greffe* on 24th November 2010 to give effect to these decisions, and was adopted by the States in third reading on 20th January 2011.
- **Public Elections (Jersey) Law 2002.** In June 2009, PPC established a Working Party to consult with the Connétables, Jurats and other stakeholders with regard to the function of the Public Elections (Jersey) Law 2002 and the electoral process. The Working Party presented its report to the States on 2nd July 2010 and the ‘Draft Public Elections (Amendment No. 4) (Jersey) Law 201-’ (P.14/2011) was lodged *au Greffe* by PPC on 27th January 2011 and adopted by the States on 17th March 2011. The Amendment facilitated the introduction of various new provisions, including: a single election day; a restriction to prevent candidates from standing for more than one office in same-day elections; revised arrangements for the taking of votes from sick and disabled persons; new postal and pre-poll voting procedures; and an extension of the time within which an application to dispute an election can be made to the Royal Court.
- **Voter registration and turnout campaign.** Following the adoption by the States of various amendments to the Public Elections (Jersey) Law 2002, the PPC launched a campaign to encourage people to register to vote and to turn out to vote in the elections on 19th October 2011. The intention was to inform Islanders about the 2011 elections and to provide information in relation to the

recent amendments to the voter experience, including pre-poll and postal voting and arrangements for taking votes from those who are unable to attend the polling station on election day. The campaign included traditional advertising methods; use of social media; the distribution of a leaflet containing voter information and candidates' manifestos to every household in the Island; and the establishment a dedicated website: [www.vote.je](http://www.vote.je). The campaign was short-listed for the Best Integrated Marketing Award in the Chartered Institute of Marketing Awards 2011. The CIM said: "The judges would like to commend the submission by the States Greffe, which highlighted how an old long-standing topic can be brought to life in an extremely imaginative way to engage audiences more successfully than has been achieved in recent years". The campaign was judged to be a success as the number of registered electors increased from just over 55,000 in 2008 to nearly 62,000 for the 2011 elections and the number of electors casting a vote in the 2011 senatorial election increased by nearly 4,000 from the 2008 total.

- **Efficiency.** The PPC lodged *au Greffe* the 'Draft Amendment (No. 14) of the Standing Orders of the States of Jersey' (P.169/2010) on 10th November 2010. This proposition contained a number of efficiencies, including amendments to Standing Orders to enable the States Employment Board to lodge propositions and present comments and reports in its own name; to revise the roll call procedure when the States become inquorate; and to enable propositions lodged by the Chief Minister under Article 31 of the States of Jersey Law 2005 to be proposed by any other Minister. The proposition was adopted by the States on 19th January 2011.
- **States Members' Remuneration.** The recommendations of the States Members' Remuneration Review Body for 2012 were presented to the States by PPC on 9th August 2011 and were implemented by default one month later. PPC would like to thank the members of the States Members' Remuneration Review Body for the work that they continue to undertake in this regard on an honorary basis.
- **Code of Conduct for Elected Members.** The Committee received complaints under the Code of Conduct for Elected members as follows –
  - one complaint was received that could not be accepted as a valid complaint in view of the provisions of Standing Order 156(2)(b);
  - one complaint was received that failed to identify the area of the Code that was considered to have been breached by the States member; clarification was sought from the complainant, but no further information was received and the complaint fell away;
  - 2 complaints were received against members in their capacity as Ministers and were accordingly referred to the Chief Minister for consideration under the Ministerial Code of Conduct; and
  - one complaint was received under the Code, subsequent to which the complainant chose not to pursue the complaint.

- **States of Jersey Complaints Panel.** The members of this independent Board, under the Chairmanship of Mrs. C.E. Canavan, continued to review the actions of ministerial departments referred to them by complainants. PPC presented the Panel's annual report to the States on 17th May 2011, and 2 reports to the States throughout the year detailing the Board's findings in relation to complaints. Both reports related to complaints against decisions made by the Minister for Planning and Environment. PPC would like to record its thanks to the Chairman, Deputy Chairmen and members of the Panel for their work in an honorary capacity dealing with complaints during the year.
- **Code of Practice on Public Access to Official Information.** PPC received the annual report detailing the number of requests made for official information under the Code of Practice on Public Access to Official Information at its meeting on 8th March 2011. Nine requests that had mentioned the Code of Practice on Public Access to Official Information had been received by departments during 2010. During the annual collation of the relevant figures, a number of departments had advised that the majority of requests for information were dealt with under the Data Protection (Jersey) Law 2005, or were considered to be 'business as usual'. It was therefore difficult to establish a definitive assessment of public use of the Code of Practice. The Code of Practice on Public Access to Official Information will, in due course, be replaced by the Freedom of Information (Jersey) Law 2011, which was adopted by the States 4th May 2011 and is scheduled to be implemented in 2015.
- **Hansard.** On 10th November 2010 PPC lodged a proposition to enable the retrospective removal of names from the official report 'Hansard' where the presiding officer had determined that the use of the name had been in breach of Standing Orders (P.168/2010). The proposition was adopted by the States on 18th January 2011 by 37 votes to 10.
- **Minimum lodging periods.** On 9th March 2011 the Committee lodged the 'Draft Amendment (No. 15) of the Standing Orders of the States of Jersey' (P.35/2011) to give effect to the decision of the States on 2nd February 2011 to adopt Senator P.F. Routier's proposition, 'Standing Orders: Minimum lodging periods – revision' (P.194/2010), as amended. The Amendment was adopted and resulted in the introduction of a new 4 week lodging period for propositions relating to: appointments; draft legislative Acts; draft Standing Orders; and private members' propositions where a 2 week or 6 week lodging period does not apply. A requirement for comments on propositions to be submitted to the Greffier no later than noon on the Friday in the week proceeding the week of debate was also introduced.

### 3.4 Ongoing items

The Committee gave initial consideration to the following matters in 2011, and work will be ongoing in 2012 –

- **2011 elections.** It was agreed that a Sub-Committee would be established to review the Public Elections (Jersey) Law 2002 and the procedures surrounding the elections held on 19th October 2011.
- **Machinery of government.** It was agreed that a review of the machinery of government would be initiated in 2012.
- **Standing Orders and internal procedures.** It was agreed that a Sub-Committee would be established to review Standing Orders.
- **Code of conduct.** The Committee will consider undertaking a review of the Code of Conduct for Elected Members and the provisions for investigating complaints under the Code.
- **Electoral Commission.** The Committee presented 2 reports to the States in 2011 (R.54/2011 and R.110/2011) on the possible structure of the Electoral Commission and will bring the proposed membership of the Electoral Commission to the States Assembly for approval in 2012.

# 4. SCRUTINY PANELS AND PUBLIC ACCOUNTS COMMITTEE



## SECTION SUBMITTED BY THE CHAIRMEN'S COMMITTEE

### FOREWORD

Following Senator B.E. Shenton's resignation from the position of President of the Chairmen's Committee, I was elected as President on 5th April 2011, leaving just 7 months remaining of the term of office.

Scrutiny continues to evolve, and it needs to do this in order for it to find its right place in our structure of government. It is essential that this work continues and that all Members, whether involved in Scrutiny or other areas of the legislature, pull together to recognise the value that Scrutiny can, and does bring to progressing policies in the best interest of the Island's population.



Senator S.C. Ferguson,  
President, Chairman's Committee  
until 14th November 2011

One of the most interesting, thought-provoking and valuable overarching pieces of work I have undertaken in respect of Scrutiny was during the summer recess this year. Since the move to Ministerial Government there have been increasing levels of concern about the overall system, with frequent complaints by Members working on Scrutiny that Scrutiny was "second-best, "not listened to" or even "dismissed". We have examined and re-examined the Code of Practice which governs the work of Scrutiny, but to no avail.

No-one had really taken a hard look at the underlying reasons for the dissatisfaction. So, during the States recess of 2011 I met with a number of States Members on an individual basis to discuss their views. Members ranged from across the spectrum; Scrutiny Members, and Assistant Ministers and Ministers who had never been involved in Scrutiny, and some who had.

The outcome of this review was a number of recommendations to take Scrutiny forward into the next term of office. The report and the recommendations can be read in Appendix A to this Report, but a summary of the outcomes and main recommendations can be read in the Chairmen's Committee section. All Members would benefit from considering the original intention behind the scrutiny function and looking to ways of working together to make the scrutiny function a really valuable asset in the legislature of Jersey. It will mean 'give and take' and real hard work to overcome the divide which has become so noticeable of late, but with goodwill and a determined effort it is achievable.

There will be challenges ahead, but Scrutiny must work at becoming more robust, at following up on its recommendations that have been accepted by the Ministers and, if necessary bringing matters to the States Assembly for debate. I am optimistic that with more inclusive working practices and better follow-up on Scrutiny Reports, there could be an improved acceptance of Scrutiny and in turn an improved public view of the legislature.

Finally, I would like to thank all those that participated in the Scrutiny process during 2011 and indeed during the last 3 years.

#### 4.1 Chairmen's Committee: 2011 issues and developments



There was one constitutional change to the Chairmen's Committee during 2011. Senator B.E. Shenton resigned from the Presidency on 29th March 2011, and Senator Sarah Ferguson was elected as President of the Chairmen's Committee on 5th April 2011, with the vote being –

- Senator S.C. Ferguson: 27 votes,
- Deputy G.P. Southern of St. Helier: 20 votes,  
and one spoilt paper.

Throughout 2011, the Committee has continued to maintain oversight of the work of the Scrutiny Panels and the Public Accounts Committee in accordance with its Terms of Reference. It has aimed at ensuring that there has been no overlap in the work of the Panels and where there have been overlapping areas that a Sub-Panel has been established. It has also considered potential overlap of work areas between the Panels and the Public Accounts Committee, identifying ways forward for reviews to be undertaken as appropriate.

Throughout the year, the Committee, cognisant of its responsibilities in ensuring appropriate allocation of Scrutiny funds, has considered every scoping document and all Terms of Reference for all planned reviews. It has continued to monitor ongoing expenditure in respect of all established reviews and considered all overarching expenditure on a quarterly basis.

The Committee has been actively involved in the consideration of overarching matters relating to Scrutiny, such as ways of raising the profile of Scrutiny Reports, improved communication regarding the transfer of Scrutiny/PAC Members to the Executive, filming of Scrutiny meetings and hearings and consideration of conflicts of interest.

#### **4.1.1 Scrutiny Matters Newsletter**

Edition 8 of the Scrutiny Matters Newsletter was circulated to every household in June 2011. This was the last newsletter of this term of office as the Committee agreed that it was inappropriate to circulate a newsletter in the run up to the elections which were held on 19th October 2011. The President of the Chairmen's Committee, Senator S.C. Ferguson, used the opportunity to explain the importance of Scrutiny in checking Ministerial policies. She also drew attention to the fact that, following the elections, there would undoubtedly be new faces in the States Assembly and that they should realise that working on Scrutiny and the PAC is not a second-best option.

#### **4.1.2 Internal review into second term of Scrutiny in Ministerial Government (December 2008 to August 2011)**

Although this is included in full in an Appendix to this Report, the Committee believes it is beneficial to include the main outcomes from the review in the main body of this Report. In essence it was apparent that there is a strong view that Scrutiny should continue in some form, and that reversion to the Committee system is not an option. There is a need to review working practices across the States to permit, indeed encourage, closer working practices to the benefit of all, not least the public.

The report makes 6 main recommendations. These are –

- Improve communication;
- Reach an agreement that in order to bring about a more inclusive system within the existing structure, Scrutiny should be involved in policy development as per the original intention;
- Scrutiny must be more selective in its review topics, re-organise and standardise its working practices and be more robust;
- All Members and Officials must ensure adherence to Standing Orders, Code of Practice, Protocols and Guidelines;
- Member behaviour needs to be modified to raise the professionalism of Scrutiny in the public eye;
- There should be a comprehensive training programme planned to the next term of office.



## 4.2 Scrutiny staffing and development

The Scrutiny Team welcomed back Mr. William Millow, who had completed his year's secondment as the Project Manager for the Review of the roles of the Crown Officers.

As part of our continuing development of staff, Ms. Mel Pardoe, Public Accounts Committee Officer, took up a secondment in the Education, Sport and Culture Department on 26th April 2011 for a one-year period. Although the secondment is keeping her very busy, Mel retains her links with us, and we look forward to her returning with increased knowledge and experience at the end of April next year.

Mrs. Elizabeth Liddiard also temporarily left the Scrutiny Office for a year for personal reasons: we all congratulate her and her husband on the birth of their son on 6th June 2011. We also look forward to Liz returning to us in May 2011.

Also as a part of staff development, Mr. Tim Oldham was successful in gaining his Modern Manager Programme Level 3 this year.

Miss Rebecca McColligan, our Scrutiny Administrative Officer, was successful in gaining a promoted post and transferred to the Law Officers' Department on 1st June 2011, where we wish her well. We were fortunate in appointing Miss Sammy McKee to the post, who was able to take up the position in early May to permit a smooth transition in the administrative services of the section.

Due to one Scrutiny Officer having taken up a secondment and a second having taken a year out on maternity leave, Sammy took up an Acting-Up position for one of these posts in mid-November. At the end of October we were pleased to welcome Fiona Carnegie on a contract post to fill the second Scrutiny Officer post and in November to welcome Leah Stoodley, who filled the post of Scrutiny Administrator on a contract basis which had been left vacant by Sammy taking on the Acting-Up rôle.

Supporting staff development has been an essential focus during 2011, whilst maintaining a full support service to the Scrutiny Panels and the PAC. This could have been challenging, but through a flexible approach on the part of the Scrutiny team we have been able to adapt our working practices to fully meet the demands of the Panels and PAC.

Jersey Scrutiny Officers continue to participate in the Committee Secretariat Network, which is a group comprising staff representatives from parliamentary select committees. These include, along with Jersey [alphabetically listed] –

- House of Commons
- House of Lords
- House of Oireachtas [Southern Ireland]
- Isle of Man
- London Assembly
- National Assembly for Wales
- Northern Ireland
- Scottish Parliament
- States of Guernsey [Scrutiny].

These meetings provide excellent opportunities for learning about the operation of Scrutiny elsewhere and provide a sound forum for sharing best practice. The last meeting was held in Guernsey on 24th June 2011. Topics considered ranged from Corporate Governance and the 6 Core Principles of Good Governance, Performance Management/Success Criteria and Public Engagement.

### 4.3 Panel/Public Accounts Committee: Constitutions

#### 4.3.1 Panel/PAC membership at January 2011

Panel/PAC membership at January 2011 was as follows –

Corporate Services Scrutiny Panel	Senator S.C. Ferguson, Chairman Deputy T.A. Vallois of St. Saviour, Vice-Chairman Deputy [C.H. Egré] of St. Peter
Economic Affairs Scrutiny Panel	Deputy M.R. Higgins of St. Helier, Chairman Deputy [C.F. Labey] of Grouville, Vice-Chairman Deputy S. Pitman of St. Helier Deputy [D.J.A. Wimberley] of St. Mary Deputy J.M. Maçon of St. Saviour
Education and Home Affairs Scrutiny Panel	Deputy R.G. Le Hérisier of St. Saviour, Chairman Deputy T.M. Pitman of St. Helier, Vice-Chairman Deputy M. Tadier of St. Brelade Deputy J.M. Maçon of St. Saviour
Environment Scrutiny Panel	Deputy [P.J. Rondel] of St. John, Chairman Connétable [J.M. Refault] of St. Peter, Vice-Chairman Deputy [D.J.A. Wimberley] of St. Mary
Health, Social Security and Housing Scrutiny Panel	Deputy G.P. Southern of St. Helier, Chairman Connétable [D.W. Mezbourian] of St. Lawrence, Vice-Chairman Connétable [S.A. Yates] of St. Martin Deputy D.J. De Sousa of St. Helier
Public Accounts Committee	Senator B.E. Shenton, Chairman Senator A. Breckon, Vice-Chairman Senator J.L. Perchard Mr. M.P. Magee Mr. K. Keen Mr. A. Fearn

### 4.3.2 Membership changes

During 2011 the membership changes were as follows –

Corporate Services Scrutiny Panel	Deputy J.A.N. Le Fondré of St. Lawrence was elected as a member of the Panel.	18th January 2011
	Deputy [C.H. Egré] of St. Peter ceased to be a member of the Panel, following his appointment as an Assistant Minister.	20th January 2011
	Deputy D.J. De Sousa of St. Helier was elected as a member of the Panel.	1st February 2011
	Deputy T.A. Vallois of St. Saviour ceased to be a member of the Panel following her appointment as Assistant Minister.	15th March 2011
	Senator J.L. Perchard was elected as a member of the Panel.	5th April 2011
Economic Affairs Scrutiny Panel	Deputy S. Pitman of St. Helier resigned from the Panel.	1st March 2011
	Deputy M.R. Higgins of St. Helier resigned as Chairman and Member of the Panel.	3rd May 2011
	Deputy [C.F. Labey] of Grouville was elected Chairman of the Panel.	17th May 2011
Education and Home Affairs Scrutiny Panel	Deputy M. Tadier of St. Brelade resigned from the Panel.	20th July 2011
Environment Scrutiny Panel	Connétable [J.M. Refault] of St. Peter ceased to be a member of the Panel, following his appointment as an Assistant Minister.	18th January 2011
Health, Social Security and Housing Scrutiny Panel	No changes during 2011.	
Public Accounts Committee	Connétable [J.M. Refault] of St. Peter ceased to be a member of the Committee, following his appointment as an Assistant Minister.	18th January 2011
	Deputy J.A.N. Le Fondré of St. Lawrence was elected as a member of the Committee.	18th January 2011
	Mr. K. Keen resigned from the Committee.	18th July 2011
	Mr. S. Haigh was elected to the Committee.	22nd August 2011

#### 4.4 Work of the Panels

Although more detailed information on the work of the individual Panels and the Public Accounts Committee is included in the Panel/Committee pages, below is a table which shows the reviews undertaken and reports written during 2011. For the purposes of this report, a Scrutiny Review is considered as such once the topic has been scoped, the Terms of Reference approved, sent to the Chairmen's Committee and to the relevant Minister. Other work completed by Panels, i.e. comments, amendments, propositions, etc. will be included in the Panel pages.

Scrutiny Review/Report 2011	Panel/PAC
Jersey Development Company	Corporate Services Scrutiny Panel [Sub-Panel]
Fiscal Strategy Review	Corporate Services Scrutiny Panel [Co-optee]
States of Jersey Development Company: selection process	Corporate Services Scrutiny Panel [Sub-Panel]
Migration	Corporate Services Scrutiny Panel [Sub-Panel]
Lime Grove House: failure to complete transaction	Corporate Services Scrutiny Panel [Sub-Panel]
Comprehensive Spending Review	Corporate Services Scrutiny Panel [Main Panel]
Cultural Strategy	Education and Home Affairs Scrutiny Panel [Main Panel]
School Exam Results	Education and Home Affairs Scrutiny Panel [Main Panel]
Succession Planning in the Police	Education and Home Affairs Scrutiny Panel [Sub-Panel]
Policing of Beaches and Parks	Education and Home Affairs Scrutiny Panel [Sub-Panel]
Issues surrounding the review of financial management of Operation Rectangle	Education and Home Affairs Scrutiny Panel [Sub-Panel]
Speed Limits	Environment Scrutiny Panel [Main Panel]
Protecting our Marine Environment	Environment Scrutiny Panel [Main Panel]
Benefit Levels	Health, Social Security and Housing Scrutiny Panel [Co-optee]
Social Housing Waiting Lists	Health, Social Security and Housing [Main Panel]
Comprehensive Spending Review	Health, Social Security and Housing [Main Panel]
An investigation into the sale of houses under the Jersey Homebuy Scheme Interim report	PAC
The States Control of Senior Management Remuneration	PAC
Financial Report and Accounts 2010	PAC

#### **4.5 Working arrangements of Panels**

##### *Panels, Sub-Panels and Co-opted Members*

As can be seen above, during 2011, there were 16 reviews resulting in Scrutiny Reports, undertaken as follows –

- 7 main Scrutiny Panels;
- 7 Sub-Panels;
- 2 with a co-opted Member.

## **4.6 WORK OF PANELS**

### **4.6.1 Corporate Services Scrutiny Panel**



#### INTRODUCTION

The Corporate Services Scrutiny Panel's remit is to look into matters relating to policies and actions brought forward by either the Chief Minister or Minister for Treasury and Resources. During 2011, the Panel carried out 6 reviews in total.

The Panel's constitution has seen several changes throughout 2011. It welcomed Deputy De Sousa and Deputy Le Fondré at the beginning of 2011, and said a sad farewell to Deputy Egré and Deputy Vallois who both left the Panel to become Assistant Ministers. Senator Perchard was the Panel's most recent Member who joined in April 2011.

Panel Membership for the majority of 2011 has been –

Senator S.C. Ferguson (Chairman)

Deputy J.A.N. Le Fondré of St. Lawrence (Vice-Chairman)

Deputy D.J. De Sousa of St. Helier

Senator J.L. Perchard

#### PANEL REVIEWS IN 2011

##### **JERSEY DEVELOPMENT COMPANY**

Following its interim report into the States of Jersey Development Company (SoJDC), which was presented in 2010, the Panel presented its final report on 28th January 2011. The review's main objectives were to assess whether the recommendations made by the previous Sub-Panel had been adhered to, and to establish whether the scope, role and remit of the SoJDC structure would be appropriate.

Its findings concluded that one recommendation had not been actioned, despite being accepted by the Chief Minister, and it was also unclear how the SoJDC would differ from the Waterfront Enterprise Board (WEB). The Chief Minister's response to the report concluded: *"The Chief Minister is grateful for the Panel's detailed consideration of the proposals and the helpful comments which have served to highlight matters to be addressed."*

## **REVIEW OF THE FISCAL STRATEGY REVIEW**

The Fiscal Strategy Review was undertaken in 2010 and led to the inclusion of proposals in the 2011 Budget; namely, that GST should be increased by 2% and that Social Security contributions above the ceiling should be increased by 2% for both employers and employees. Other proposals that the Minister for Treasury and Resources had considered were not pursued and the States ultimately adopted both measures.

The Panel presented its report on the 2nd March 2011, and concluded that the Island's Fiscal Strategy should be long-term and wide-ranging. It also said that the Fiscal Strategy should incorporate both personal and business taxation and aim towards a tax structure that is simple and fair – and seen to be fair.

## **JERSEY DEVELOPMENT COMPANY: SELECTION PROCESS**

The Panel formed a Sub-Panel to look into States Members' concerns relating to the appointments process for the Chairman and Non-Executive Directors of the new States of Jersey Development Company (which was approved by the States in October 2010). The Sub-Panel constituted the following Members –

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman)

Senator J.L. Perchard

Senator A. Breckon

Senator F. du H. Le Gresley

Deputy R.G. Le Hérissier of St. Saviour.

The review found that a number of administrative errors occurred during the appointment process. Although these were unprofessional, the Sub-Panel concluded that such errors were not of a magnitude that meant they would have rendered the overall appointment recommendations defective.

## **MIGRATION: CONTROL OF HOUSING AND WORK**



A Sub-Panel scrutinised the Draft Control of Housing and Work (Jersey) Law 201- and the Draft Register of Names and Addresses (Jersey) Law 201-. In particular, the Sub-Panel looked at –

- The scope of the legislation
- The impact on access to employment and housing
- The costs of the proposed system and the associated fee structure
- The ability of the relevant States authorities to manage compliance
- The nature of the proposed Registration Card
- The practicalities of establishing and maintaining the Register, and the use of the information it contains by States Departments.

The Sub-Panel found that the legislation would essentially deliver on improving the depth and range of information which would enable more informed decisions relating to migration and population policy. It concluded its report by saying that the legislation would deliver on its main aims and is fit-for-purpose. The debate took place on 5th July 2011 and the 2 Laws were subsequently approved by the States.

## **LIME GROVE HOUSE: FAILURE TO COMPLETE TRANSACTION**

A Sub-Panel was formed to investigate matters relating to the failure to complete the transaction on Lime Grove House, which would have been the new States of Jersey Police Headquarters. During the review, sensitive issues arose and the Sub-Panel's final report, which was presented in September 2011, made one recommendation to refer the entire matter to the Comptroller and Auditor General.

## **COMPREHENSIVE SPENDING REVIEW: 2012 – 2013 AND DELIVERY**

The Panel carried out its second review into the Chief Minister's Comprehensive Spending Review. It concluded its report by saying from the evidence presented, Departments fell into 2 camps: some Departments recognised that the objective of the CSR was more about saving 10%, whereas other Departments acknowledged the financial aims of the CSR but were still in the old model of evolutionary change.



#### 4.6.2 Economic Affairs Scrutiny Panel



#### PANEL MEMBERSHIP

The original 2011 membership of the Panel was as follows –

- Deputy M.R. Higgins of St. Helier, Chairman
- Deputy [C.F. Labey] of Grouville, Vice-Chairman
- Deputy [D.J.A. Wimberley] of St. Mary
- Deputy J.M. Maçon of St. Saviour.

Deputy M.R. Higgins of St. Helier resigned as Chairman and member of the Panel on 3rd May 2011. This followed advice given to the Chairmen's Committee by the Law Officers' Department in respect of the actions of the former President and the Chairmen's Committee regarding the Panel's proposed Review 'Jersey Harbours and Airport' and the perceived conflict of interest on the part of the Chairman. The States approved the following membership on 17th May 2011 –

- Deputy [C.F. Labey] of Grouville, Chairman
- Deputy J.M. Maçon of St. Saviour (appointed Vice-Chairman 13th June 2011)
- Deputy P.V.F. Le Claire of St. Helier
- Deputy [D.J.A. Wimberley] of St. Mary.

#### PANEL REVIEWS IN 2011

The Panel's remit covers matters relating to the Economic Development Department. During 2011 the Panel met on 13 occasions, held one Quarterly Update Public Hearing with the Minister for Economic Development and completed one Review which resulted in Comments presented to the States.

## **DRAFT GAMBLING (REMOTE GAMBLING DISASTER RECOVERY) (AMENDMENT) (JERSEY) REGULATIONS 201-**



Debate on the draft Regulations began in the States on 16th February 2011. Following the States' approval of the principles of the draft legislation, the Bailiff asked the Chairman whether the Panel wished to scrutinise the Regulations under Standing Order 72. When the Chairman confirmed that the Panel wanted to do so, the debate was brought to an end to enable the Panel to undertake its Review.

In order not to delay the Regulations unduly, the Panel decided to undertake a brief Review of the documentation produced and legislation enacted to date, to see whether the concerns expressed and safeguards sought by States Members in the earlier debates had been addressed in the draft Regulations. It requested and received information from the Economic Development Department and the Jersey Gambling Commission, targeted other key stakeholders to seek their views, held 2 Public Hearings and presented its final Comments to the States on 1st March 2011.

## **ECONOMIC GROWTH STRATEGY**

On 1st July 2011, the draft Economic Growth Strategy was circulated to the Panel along with an invitation to comment on it within 10 days. The Economic Development Department had indicated that the Strategy was to be presented as a Report to the States between October and the end of December 2011, and, unlike the previous Economic Growth Plan in 2005, not as a Proposition. The Panel considered the matter and wrote to the Minister, outlining that the nature of the request did not reconcile with the functions of Scrutiny (i.e. it effectively asked for unevicenced, subjective comments) and that the topic deserved the attention of a full, evidence-based, objective Scrutiny Review. It also stated that the timeframe was wholly inadequate, and reiterated that such an important document should be presented to the States as a proposition and debated accordingly.

The Minister for Economic Development has since indicated that the Strategy will be presented to the States as a Proposition to be debated early in 2012. Although the Panel has not been in a position to conduct a Review in the limited timeframe available, it has undertaken to agree Terms of Reference, scoping document and potential expert advisers, as reference points for any potential future Review by the next Panel.

#### 4.6.3 Education and Home Affairs Scrutiny Panel



#### PANEL MEMBERSHIP

- Deputy R.G. Le Hérissier of St. Saviour (Chairman)
- Deputy T.M. Pitman of St. Helier (Vice-Chairman)
- Deputy M. Tadier (resigned from Panel 13th July 2011)
- Deputy J.M. Maçon of St. Saviour.

#### CHAIRMAN'S INTRODUCTION

The last year has been both busy and frustrating. The Panel was very active, producing several reports. It commented on several pieces of legislation and also lodged a Proposition in an attempt to implement the recommendations of its report on the Composition of the Prison Board.

Unfortunately, the Panel's wish to scrutinise major education policy was stymied by the interminable habit of Education, Sport and Culture of placing most major policies under long-term review.

Similarly, the Minister for Home Affairs produced few policy initiatives, partly because of the Department's preoccupation with the fallout from matters surrounding the events of Haut de la Garenne. Thus, it was not possible to scrutinise the proposed Discrimination Law which, in any event, was eventually transferred to the Chief Minister's Department.

The Proposition lodged by the Panel to reform the Prison Board of Visitors followed a very lengthy period where the Minister was apparently seeking legal advice. In the end, the Panel decided to force the issue by bringing the recommendations of its Scrutiny to the States as a Proposition. The Minister's late reversal of position on this issue ultimately led the members of the Panel coming to the decision to resign. The circumstances are described below.

‘It has become apparent to this Panel, and others, that there is a major disconnect between the work of a Panel and the political response and action flowing from that work. These issues are being addressed by the Chairmen’s Committee but they need to be reviewed in the context of a review of the Machinery of Government.

As a Panel, we have worked hard but have serious doubts as to our effectiveness.’

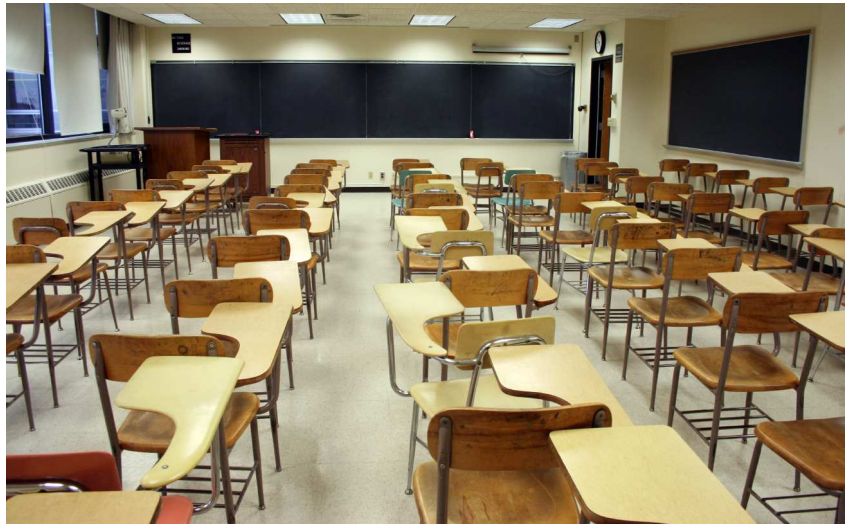
## PANEL REVIEWS IN 2011

### **CULTURAL STRATEGY**



A review of the implementation of the Cultural Strategy, which was approved by the States in 2005, began in 2010. From its inception, there were doubts as to whether the Strategy could survive, let alone thrive, given that no extra funding was forthcoming. However, it has stayed the course and the Panel’s report was able to record good progress in promoting co-ordination within the Arts and Heritage sectors. Nevertheless, major issues remain to be resolved imminently so that solid foundations are laid for the development and growth of this sector. The review found that property management urgently needs to be formalised and proper arrangements made for ongoing maintenance and refurbishment.

### **SCHOOL EXAM RESULTS**



In early 2011 there was intense public interest in the issues regarding the publication of information on school results and overall performance. This debate followed a series of articles in the Jersey Evening Post based on information and analysis by Mr. John Mills who had obtained comprehensive data from the Department of Education, Sport and Culture on Jersey’s GCSE and ‘A’ level results. Exam results had not been published in this way before, and the decisions of Mr. Mills and the JEP to do so were challenged by the Minister for Education, Sport and Culture. In the light of the publicity afforded to the arguments on both

sides, the Panel decided to review the Minister's policy on publishing exam results and to determine whether any changes should be made to that policy.

The Panel found that the Minister could not reasonably withhold exam statistics from publication and recommended that he develop a reporting structure for school performance which took into account other performance measures. The Panel also argued that the Minister should ensure that a proper explanation is provided of how Jersey's exam results may feasibly be compared with other jurisdictions. The Minister accepted the Panel's recommendations, albeit he remained defensive about the use of achievement and attainment tables as a means of holding schools to account.

## **SUCCESSION PLANNING IN THE POLICE**



Despite years of talking about the need for proper succession planning, it appeared in 2010 that the States of Jersey Police were still unable to find suitably qualified local candidates for senior positions. There was no realistic prospect of a Chief Officer emerging from within the local Force in the next 10 years.

The Panel completed its report into the issues surrounding the appointment of senior Police Officers in May 2011. The Panel found that the existing skills deficit

throughout senior management of the Force was a matter of concern, and called upon the Minister to ensure that there was a strong political will to see through the development of a programme to develop officers with high potential. The establishment of a Police Authority able to monitor and report on the implementation of succession planning should be a high priority.

## **POLICING OF BEACHES AND PARKS**

A Sub-Panel, chaired by Deputy J.M. Maçon of St. Saviour, was formed to respond to concerns expressed by members of the public asking for action against littering and anti-social behaviour in public places, specifically beaches and parks. It was clear from the large number of responses received to the call for evidence that this was a matter of significant interest.

The Sub-Panel found that, while the existing legislation was adequate, relatively little priority was given to the policing problem. The Sub-Panel's recommendation for the introduction of fixed penalties (on-the-spot fines) as an effective way of dealing with minor offences, including dog fouling, is to be considered further by Home Affairs in conjunction with the Honorary Police. Other suggestions including the establishment of a dog warden and assigning a proportion of impôts of the impôt duty from cigarettes and chewing-gum towards the clean-up of those items around the Island, did not find acceptance

## **ISSUES SURROUNDING THE REVIEW OF FINANCIAL MANAGEMENT OF OPERATION RECTANGLE**

In early 2009 the Home Affairs Department commissioned a local firm of accountants, BDO Alto Limited, to review the financial management of the Police investigation into Historic Child Abuse in Jersey. The Minister published their report in July 2010, along with 2 reports from the Chief Constable of Wiltshire which had investigated the responsibility of the Police Chief, Graham Power, for any failures in the management of the Haut de la Garenne Enquiry. The BDO Alto report identified oversight failures in financial management and was highly critical of the way the Haut de la Garenne enquiry had been conducted by the Senior Investigating Officer. The media response to the publication of the report was to highlight extravagant police spending during the enquiry.

Serious questions, however, have been raised regarding the objectivity and independence of the BDO Alto report due to the fact that the Senior Investigating Officer, Mr. Harper, the person responsible for the key management decisions during the enquiry, was not interviewed by BDO Alto as part of their review nor given the opportunity to respond to the findings in the report. A Sub-Panel, chaired by Deputy T.M. Pitman of St. Helier, was formed to examine the issues surrounding this report. Members were conscious that this review should remain tightly focussed on the issues arising from the above concerns and not re-investigate the substance of the findings in the BDO Alto report which had already been considered by the Comptroller and Auditor General.

### OTHER WORK-STREAMS

#### **PRISON BOARD OF VISITORS (P.84/2011) – PROPOSITION**

In 2009 the Panel conducted an extensive review of the working of the Prison Board of Visitors and made several recommendations, the key one of which was that membership of the Board of Visitors should be 'opened up' to members of the public (i.e. non-Jurats); that there should be nothing preventing a Jurat from putting him or herself forward to serve on the Board; and that the number of Jurats serving on the Board at any one time should not exceed 3 (of a total of 7). In his response the Minister undertook to review the role of Jurats; however, as this had been delayed for a considerable period of time the Panel decided to follow up its recommendation with this proposition which was debated in July 2011.

The Minister's initial comments, presented to the States 2 days before the debate, implied support for the proposition, based on legal advice. Subsequently, however, the Minister obtained new legal advice which allowed him to reverse his position and propose the retention of the Prison Board of Visitors in its current form. This led to the quite extraordinary situation of the Minister, during the course of the debate, calling on the Solicitor General to lay this new advice before the Assembly.

It became clear in the debate that the Jurats were not supportive of the recommendation brought forward by the Sub-Panel for a mixed Board of Visitors. The Minister appeared to have allowed himself to give the Jurats a veto on this issue, and to ignore the evidence presented in the Panel's report that the current system was not an appropriate or proper means of monitoring the state of the Prison.

Ironically, follow-up questioning of H.M. Solicitor General suggested that the approaches of both the Sub-Panel and the Minister could be supported by the legal advice. It seemed to us that the Minister was opposed to the Panel's proposition either way, and simply used the legal advice to back his position, even when the legal advice proved to be more balanced.

The outcome of the debate was a tied vote (19 pour, 19 contre, with one abstention) as a result of which the proposition was defeated. Deputy M. Tadier of St. Brelade, the rapporteur for the proposition, immediately announced his resignation from Scrutiny due to the Minister's conduct in the debate. The remaining members of the Panel agreed to support this action and issued a statement announcing their intention to resign from the Scrutiny Panel once the ongoing review of the issues surrounding the financial management of Operation Rectangle had been completed.

#### **DRAFT REPATRIATION OF PRISONERS (JERSEY) LAW 201- (P.67/2011) – COMMENTS**

The Panel discussed the draft legislation with the Minister for Home Affairs on 2 occasions and submitted comments in support of the proposals to allow for the transfer of non-British prisoners who have no connection to the Island to serve their sentences in their home jurisdictions, as well as for the return from foreign countries to Jersey of prisoners of Jersey origin or those with close ties with the Island.

#### **DRAFT CIVIL PARTNERSHIPS (JERSEY) LAW 201- (P.85/2011) – AMENDMENT**

The Panel scrutinised the draft legislation which allows for the legalisation of same-sex unions as far as possible on the same basis as married couples. The Panel successfully proposed an amendment to the draft Law to enable the States at some point in the future to make Regulations allowing for the registration of civil partnerships on religious premises where religious institutions permit this. This amendment recognises potential developments currently under consideration in the UK and allows time for the States to fully consider the proposed new arrangements, as immediate implementation was not being proposed.

#### **HISTORICAL CHILD ABUSE – REQUEST TO COUNCIL OF MINISTERS (P.19/2011) – COMMENTS**

The Panel supported Senator F. du H. Le Gresley's successful request to the Council of Ministers to reverse its decision not to hold a Committee of Enquiry to investigate any unresolved issues in relation to child abuse in the Island.

#### 4.6.4 Environment Scrutiny Panel



#### INTRODUCTION

At the beginning of 2011 the Environment Scrutiny Panel was midway through a major review focused on the work of the Environmental Protection section of the Planning and Environment Department (since renamed Department of the Environment) in monitoring and protecting the quality of Jersey's coastal waters. It was also planning to launch a review of the same department's draft Energy Policy early in the first quarter. However, following the unexpected lodging of a proposition (P.167/2010) to revise speed limit policy by the Minister for Transport and Technical Services in November 2010, the Panel was motivated to propose a short review in that area.

The Minister was initially unwilling to put off the debate on the Speed Limit Policy (scheduled for 18th January 2011) and it was only at the last minute that he changed his mind, finally agreeing to give the Panel until 5th April to plan a review, carry it out and report to the States. That resulted in the marine work temporarily being put on hold while all efforts were directed towards the Speed Limit review.

#### PANEL REVIEWS IN 2011

##### **REVIEW OF SPEED LIMITS: REVISED POLICY (S.R.4/2011)**



In view of the tight deadline for completion, the Panel was pleased to be able to appoint Parsons Brinckerhoff (a leading UK transport consultancy previously used by the Department of Transport and Technical Services themselves) as advisers to the review. With their assistance, the Panel carried out a short review and presented its report to the States on 31st March 2011. The Panel and its advisers found compelling evidence that consultation and other work carried out by a task group appointed by the Minister in 2009 was unreliable, the design and analysis of a public survey carried out by the group was fatally flawed, and that for



these and other reasons the proposition should be rejected. Despite being informed of these findings, the Minister continued to press for the debate, but in the event the States accepted the Panel's request for deferral to give the department an opportunity to carry out much-needed remedial work to make the proposition fit for purpose. The Minister subsequently stated that he did not have the resources to undertake further work in this area, but the Panel was concerned by moves to amend speed limits by Ministerial Decision in the run-up to the 2011 elections, which appeared to contradict previous assurances, and suggested that the department had not fully recognised the failings of the original proposition. No formal Ministerial Response to the Panel's report was received, despite several reminders.

### **DRAFT ENERGY POLICY**



The Panel initiated this review late in 2010 and appointed an adviser early in 2011. A first visit by the adviser in March was informative and produced good feedback; the review was intended to move swiftly, and a timetable was agreed with the department to complete a report before the summer recess, by which time the White Paper was expected to be finalised and the draft policy available for public consultation. The Panel was therefore very disappointed to be informed in May that the draft policy had been recalled for additional work by the Assistant Minister. It soon became apparent that the amended policy would not be finalised prior to the summer recess, effectively ending any possibility that a review could be completed during the current States Session. The Panel was obliged to terminate the review and its contract with the adviser.

### **AIR QUALITY**



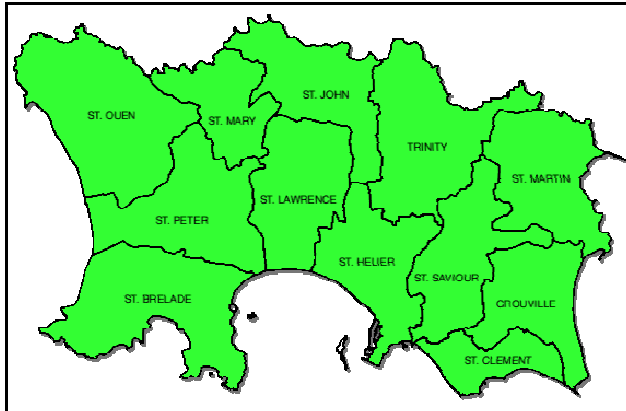
A similar situation in respect of the draft Air Quality Strategy resulted in the Panel abandoning plans to review the strategy (as requested by the department) when it too was recalled for further work before publication.

## PROTECTING OUR MARINE ENVIRONMENT



Following up stakeholder concerns about environmental protection raised during its previous Ramsar review of 2009–10, the Panel launched a review in July 2010 entitled ‘Protecting Our Marine Environment’. This was put on hold in January 2011 to enable the urgent review of speed limit policy to take place, but resumed in May. A visit by the adviser in June revealed a need for additional work in specific areas; public hearings with the Minister for Planning and Environment and other witnesses were delayed until after the summer recess, finally taking place in early September. The Panel’s adviser then submitted his completed report and the Panel went ahead with drafting its own report and conclusions. Owing to the elections, the final report was expected to be presented towards the end of the current States Session in November. However, good communication throughout the review ensured that the Department of the Environment was fully aware of the adviser’s findings in advance of presentation, which it was hoped would help to ensure a positive outcome for the protection of the marine environment.

## DRAFT ISLAND PLAN – INDEPENDENT EXAMINATION IN PUBLIC (IEP)



The Panel had been asked by the Minister for Planning and Environment in 2010 to monitor the process for the draft Island Plan. Having made comments resulting in some changes to the hearing schedule in 2010, the Panel continued to monitor developments in 2011 and members attended several hearings of the IEP. It was agreed, following the extended debate on the Island Plan, that there would be little appetite amongst States Members for a review of the process so soon afterwards, but the Panel included comments on this matter in its legacy report for the incoming Panel.

## **BUS CONTRACT**



Further to its review of the Sustainable Transport Policy of the Minister for Transport and Technical Services in 2010, the Panel maintained its interest in proposals for improving bus services, and members were invited to a special briefing on 11th July 2011 on progress towards the new bus contract (due to come into force in 2013) attended by members of the department's project team, including consultants from the UK. Following this, the Panel wrote to the Minister in support of the tendering proposals to date and looking forward to the next stage of the process in 2012. This matter also featured in the Panel's legacy report, as a new Environment Scrutiny Panel might wish to monitor or review the development of the new model network and service level agreements in due course.

## **LA COLLETTE HEADLAND**



One other matter of particular concern to the Panel which only become public knowledge in mid-2011 concerned proposals from Transport and Technical Services [TTS] for the long-term disposal of toxic ash from the new Energy from Waste plant in an artificial headland to be raised at La Collette. In view of our changing climate and rising sea levels, as well as the proximity to an internationally important Ramsar site, the Panel was firmly opposed to these proposals. Following a presentation by TTS to interested parties in July, the Chairman wrote to the Ministers for Transport and Technical Services and Planning and Environment, expressing the Panel's view that alternative, more permanent and environmentally-friendly solutions utilised in some other jurisdictions for the disposal of incinerator ash should be investigated in preference.

#### 4.6.5 Health, Social Security and Housing Scrutiny Panel



#### INTRODUCTION

The Health, Social Security and Housing Scrutiny Panel reviews matters relating to the Ministers for Health and Social Services, Housing and Social Security. It therefore considers and scrutinises draft legislation, policy, the draft Annual Business Plan and other matters of public importance.

Throughout 2011, the Panel comprised the following Members –

Deputy G.P. Southern of St. Helier (Chairman)

Connétable [D.W. Mezbourian] of St. Lawrence (Vice-Chairman)

Connétable [S.A. Yates] of St. Martin

Deputy D.J. De Sousa of St. Helier.

The Panel undertook 3 major reviews during 2011, details of which are set out below. In addition, the Panel received a number of topic suggestions during the latter part of the year which were considered, but for which there was insufficient time to undertake a review (given the elections of October 2011). These suggested topics were the Registration and Licensing of General Practitioners; Services for Children with a Disability; the Registration of Nursing and Residential Care Homes and Business Transfers Legislation. In its legacy report, the Panel highlighted these topics in the event that its successor would wish to pursue any of them.

## PANEL REVIEWS IN 2011

### **REVIEW OF BENEFIT LEVELS**



The Panel sought to establish whether benefit levels were at the correct level and whether Income Support was being delivered to those in greatest need. Evidence-gathering primarily occurred in 2010 when there had been a large focus on public engagement, and the review also built upon earlier reviews of the Income Support system that had been undertaken by the Panel.

The Report on the review was presented to the States on 28th March 2011. The Panel found that there were structural faults with the Income Support system. It therefore made 21 recommendations for consideration by the Executive, including that the Minister for Social Security should overhaul the Income Support system and that the Comprehensive Spending Review should not be allowed to impact on benefit levels.

### **COMPREHENSIVE SPENDING REVIEW 2**

In 2010, the Panel undertook a review of the 2011 Annual Business Plan and the proposed Comprehensive Spending Review (CSR) savings for 2011 that the Plan contained. The Panel built on that work in 2011 by looking at the proposed CSR savings for 2012 in relation to the 3 Departments within its remit. However, while the Panel received information relating to all 3 Departments, its primary focus ultimately came to rest on the Department of Health and Social Services.

The Panel's Report was presented to the States on 28th October 2011. It set out a number of concerns regarding the proposed CSR savings as they related to the Health and Social Services Department. The Panel therefore recommended that the Minister should ensure States approval had been given before savings were made in Occupational Therapy, that there should be better communication between the Department and the 'Third Sector' and that further detail should be provided in future Annual Business Plans to ensure that the States could make decisions on a sufficiently well-informed basis.

## **SOCIAL HOUSING WAITING LISTS**



In March 2011, the Panel began its review of social housing waiting lists. It examined the responsibilities in this area of the Minister for Housing and the liaison between the Department of Housing, the Housing Trusts and the Parishes. It quickly became apparent, however, that the Minister intended to replace the current waiting list system with the 'Affordable Housing Gateway', which would provide a single access point to housing and effectively create a single waiting list for use by all social housing providers. The Panel's review therefore also incorporated an examination of the Minister's plans for the Gateway.

The Panel presented its report on 25th August 2011, with recommendations to the Minister that he consider certain matters during subsequent development of the Gateway. As the plans for the Gateway remained to be finalised, however, the Panel also recommended that its successor should continue to review the topic in 2012.

#### 4.6.6 Public Accounts Committee



#### THE FUNCTION OF THE COMMITTEE

The primary functions of the Public Accounts Committee are defined under the Standing Orders of the States of Jersey. It is the role of the Committee to receive reports from the Comptroller and Auditor General and to report to the States upon any significant issues arising regarding –

- the audit of the Annual Accounts of the States of Jersey;
- investigations into the economy, efficiency and effectiveness achieved in the use of resources by the States, States-funded bodies, independently audited States bodies (apart from those that are companies owned and controlled by the States), and States-aided independent bodies; and,
- the adequacy of corporate governance arrangements within the States, States-funded bodies, independently audited States bodies, and States-aided independent bodies.

The Committee is also required to assess whether public funds have been applied for the purpose intended and whether extravagance and waste are being eradicated and sound financial practices applied throughout the administration of the States. This enables the Committee to examine issues other than those arising from the reports of the Comptroller and Auditor General (CAG).

#### PROCEDURES AND POWERS OF THE PUBLIC ACCOUNTS COMMITTEE

All reports presented to the States by the CAG will be discussed by the Public Accounts Committee. The Committee will then decide whether the matters raised by the CAG should be subject to further investigation or are of such public interest that they should be the subject of a public hearing. The Committee presents its reports on these hearings to the States Assembly.

The Public Accounts Committee has the power to issue summons in accordance with the States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Jersey) Regulations 2006.

## MEMBERSHIP

The membership of the Public Accounts Committee between November 2008 and November 2011 was as follows –

<i>States Members</i>	
Senator B.E. Shenton	(Chairman)
Senator A. Breckon	(Vice-Chairman from 18th January 2011)
Connétable [J.M. Refault] of St. Peter	(Resigned 18th January 2011)
Connétable [A.S. Crowcroft] of St. Helier	(Resigned 31st January 2011)
Senator J.L. Perchard	
Deputy J.A.N. Le Fondré of St. Lawrence	(From 18th January 2011)
<i>Non-States Members</i>	
Mr. M. Magee	
Mr. A. Fearn	
Mr. K. Keen	(Resigned 18th July 2011)
Mr S. Haigh	(From 22nd August 2011)

## MEETINGS

The Public Accounts Committee held regular meetings throughout 2011, which were attended by the CAG. When undertaking reviews, the Committee held public and private hearings to establish evidence.

## REPORTS AND OTHER WORK

The PAC has undertaken the following reviews between November 2008 and November 2011, each culminating in a report submitted to the States.

- An investigation into the sale of houses under the Jersey Homebuy Scheme: Interim report – P.A.C.1/2011
- The States Control of Senior Management Remuneration – P.A.C.2/2011
- Report on the Accounts of the States of Jersey for the year ended 31st December 2010 – P.A.C.3/2011.

On 7th January 2011, the PAC presented comments to the States relating to P.192/2010, Jersey Police Authority: establishment. The Public Accounts Committee wholeheartedly endorsed the Proposition lodged by the Minister for Home Affairs to establish an independent Police Authority. This was in line with recommendations contained in the PAC Report on the 2008 Accounts (P.A.C.1/2010).



## 4.7 December 2008 to December 2011

### 4.7.1 Scrutiny across Ministerial Departments

The Code of Practice for Scrutiny Panels and the Public Accounts Committee, at 4.3, states that each Panel has the responsibility of ensuring that a fair measure of scrutiny is undertaken across the full range of ministerial departments within its remit during the course of the lifetime of the Panel.

The table below shows scrutiny reviews for which reports have been presented to the States per Ministerial Department since the start of the current Term of Office in December 2008. From this it can be seen that each Minister has been the subject of formal Scrutiny at some stage during the 3 year term of office. [The year listed is the year in which the report was produced.]

#### Scrutiny Reports presented to the States per Ministerial Department December 2008 to 2011 year-end

Chief Minister's Department	WEB	2009
	Draft Annual Business Plan 2010 (P.117/2009)	2009
	Population Policy	2009
	Jersey Development Company	2009
	Review of Jersey's Overseas Aid: Report on Progress	2010
	Forecasting of Expenditure (and T&R)	2010
	Jersey Development Company Review	2010
	Comprehensive Spending Review (and T&R)	2010
	Jersey Development Company	2011
	States of Jersey Development Company: selection process	2011
	Migration	2011
Economic Development	Depositor Compensation Scheme	2009
	Sea Fisheries Bag Limits	2010
	Tourism PPP	2010
	Rural Economy Strategy	2010
Education, Sport and Culture	Fort Regent	2009
	School Suspensions	2010
	Political Education	2010
	Cultural Strategy	2011
	School Exam Results	2011
Health and Social Services	Co-ordination of Services for Vulnerable Children	2009
	Dental Health Services	2010
Home Affairs	Prison Board of Visitors	2009
	Succession Planning in the Police	2011
	Policing of Beaches and Parks	2011
	Issues surrounding the review of financial management of Operation Rectangle	2011
Housing	Social Housing Waiting Lists	2011

Planning and Environment	Energy from Waste Plant and RAMSAR: planning process	2010
	Protecting the Marine Environment	2011
Social Security	Review of Income Support	2009
	Benefit Levels	2011
Transport and Technical Services	Funding Waste Recycling	2009
	Energy from Waste Plant and RAMSAR: planning process	2010
	Sustainable Transport Policy	2010
	Speed Limits	2011
Treasury and Resources	Deemed Rent	2009
	Economic Stimulus Plan	2009
	Economic Stimulus Plan (2)	2010
	Forecasting of Expenditure (and CoM)	2010
	Amendments to the Data Protection (Jersey) Law 2005	2010
	Comprehensive Spending Review (and CMD)	2010
	Fiscal Strategy Review	2011
Lime Grove House: failure to complete transaction	2011	

**4.72 Reports produced per Panel during this term of office (December 2008 – October 2011)**

Corporate Services Scrutiny Panel  Total = 18	<b>2009</b>
	Waterfront Enterprise Board
	Deemed Rent
	Population Policy
	Economic Stimulus Plan
	Draft Annual Business Plan
	Jersey Development Company
	<b>2010</b>
	Economic Stimulus Plan 2
	Overseas Aid
	Forecasting of Expenditure
	Data Protection
	Comprehensive Spending Review
	States of Jersey Development Company: interim report
	<b>2011</b>
	Jersey Development Company
Fiscal Strategy Review	
States of Jersey Development Company: selection process	
Migration	
Lime Grove House: failure to complete transaction	
Comprehensive Spending Review 2	

Economic Affairs Scrutiny Panel  Total = 4	<b>2009</b>
	Depositor Compensation Scheme
	<b>2010</b>
	Sea Fisheries Bag Limits
	Tourism PPP
	Rural Economy Strategy
<b>2011</b>	
<i>No reports produced</i>	
Education and Home Affairs Scrutiny Panel  Total = 9	<b>2009</b>
	Prison Board of Visitors
	Fort Regent
	<b>2010</b>
	School Suspensions
	Political Education
	<b>2011</b>
	Cultural Strategy
	School Exam Results
	Succession Planning in the Police
	Policing of Beaches and Parks
Issues surrounding the review of financial management of Operation Rectangle	
Environment Scrutiny Panel  Total = 5	<b>2009</b>
	Waste Recycling
	<b>2010</b>
	Ramsar
	Sustainable Transport Policy
	<b>2011</b>
Speed Limits	
Protecting the Marine Environment	
Health, Social Security and Housing Scrutiny Panel  Total = 6	<b>2009</b>
	Income Support
	Co-ordination of services for Vulnerable Children
	<b>2010</b>
	Dental Health Services
	<b>2011</b>
	Benefit Levels
Social Housing Waiting Lists	
Comprehensive Spending Review	

Public Accounts Committee	<b>2009</b>
	Review of the report of the Comptroller and Auditor General entitled: Energy from waste plant: Management of foreign currency exchange risks.
	<b>2010</b>
	<a href="#">Financial Report and Accounts of the States of Jersey 2008</a>
	<a href="#">States Spending Review</a>
	<a href="#">Financial Report and Accounts of the States of Jersey 2009</a>
	<b>2011</b>
	<a href="#">An investigation into the sale of houses under the Jersey Homebuy scheme interim report</a>
	The States Control of Senior Management Remuneration
	Financial Report and Accounts of the States of Jersey 2010

## **SCRUTINY APPENDICES**

- A:** R.118/2011 “Internal review into second term of Scrutiny in Ministerial Government: December 2008 to August 2011”
  
- B:** Members’ involvement in Scrutiny reviews which culminated in a Report during 2011
  
- C:** Scrutiny Expenditure as at 31st December 2011
  
- D:** Scrutiny Travel and Entertainment Costs for 2011

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**STATES OF JERSEY**



**INTERNAL REVIEW INTO  
SECOND TERM OF SCRUTINY  
IN MINISTERIAL GOVERNMENT:  
DECEMBER 2008 TO AUGUST 2011**

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Presented to the States on 7th October 2011  
by the Chairmen's Committee

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STATES GREFFE

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2011

Price code: C

R.118

**REPORT****President's foreword**

Following increasing dissatisfaction by some scrutiny members over a period of time and the announcement of the resignation of the Education and Home Affairs Scrutiny Panel, I decided in my capacity as President of the Chairmen's Committee to undertake an internal review during the summer recess of 2011 to try to identify the reasons behind the disillusionment. The review focussed on the last session from December 2008 to August 2011.

Without detracting from the outcomes and recommendations of the review detailed below, one point was very clear: there is an almost universal support for Scrutiny in a robust form and an acknowledgment that Scrutiny is credible in the main and has been successful in a number of areas. There was, however, support for the concept that Scrutiny should follow up reports more decisively to ensure Ministers are held to account.

On the other hand Scrutiny has not, perhaps, fully matured and there are issues which need to be addressed. Ministers should take the recommendations seriously, rather than dismissing them out of hand. Alternatively Scrutiny must avoid slipping into a quasi opposition role.

There is also the problem that Scrutiny is perceived to be "second-best" and is inferior to the Ministerial role. Added to which some Ministers who have never been on Scrutiny appear not to understand clearly what the function of Scrutiny is intended to be. It is also not always appreciated that Scrutiny has the right to have access to all relevant information for background information in case a review may be warranted or as part of a review with Panel-agreed terms of reference. With more consensual working practices this should be easily achievable.

There is a general view that Scrutiny could be usefully involved in the development of policy. This would improve the sense of inclusivity and would provide Ministers with an objective sounding board.

I hope that this review will encourage existing members of the Assembly, as well as new members, to think how they can contribute to the improvement and development of Scrutiny as well as improving their understanding of its importance to our system of government.

I would also like to take the opportunity of thanking all those Members and officials who gave up their time to discuss the issues with me. It has proved an interesting exercise and although this paper provides a basis initially for discussion amongst the Scrutiny Chairmen in preparation of a Chairmen's Committee legacy report I hope it will be of interest to you.

**Senator Sarah Ferguson**  
**President, Chairmen's Committee**

### **Introduction**

In conducting this review there was no intention of undertaking a study of Ministerial Government and government structure overall. The purpose was purely to examine the role of Scrutiny within the existing structure of government and, as stated in the foreword above, to analyse why there is so much disillusionment amongst Scrutiny Members leading to the claim that Scrutiny isn't working. Also it was intended to consider ways of enabling Scrutiny to be more effective and encouraging Members in the new States to see Scrutiny as worthwhile and valuable within the existing structure. Perhaps inevitably, views have been put forward about the overall structure of Ministerial Government, as during the review it became clear that Scrutiny is not seen as the "illness but as a symptom of the illness". Also as the report focuses on the Scrutiny function, it does not comment on non-Executive Members who opt out of Scrutiny.

### **Working methods**

It was considered essential to acquire a representational view across all Members in various sectors of the legislature as to how Scrutiny had, or had not, impacted on them.

The format was to hold discussions with individual Members in an environment where Members could express views and opinions freely. Notes of all meetings were taken and forwarded to contributors. Participating Members and Officers have been advised that information provided in this paper will not be attributed in any way. Quotes in each of the key findings come from across the board from the Members interviewed below.

Initially all Scrutiny Chairmen were offered the opportunity of individual meetings, followed by a number of Members with a range of responsibilities as noted below –

- Scrutiny Member and no other role;
- Scrutiny Sub-Panel Member and no other role;
- Assistant Minister formerly on Scrutiny;
- Assistant Minister and no other role;
- Minister formerly on Scrutiny;
- Ministers and no Scrutiny/non-Executive role.

Unfortunately none of the non-Executive Members who do not sit or who have never sat on Scrutiny volunteered to share their views.

A meeting was held separately with the Education and Home Affairs Scrutiny Panel (including Deputy M. Tadier of St. Brelade who had recently resigned) because of the earlier announcements in the States of the future resignation of the Chairman and Panel Members. All States Members were invited to individually discuss their views. Meetings have been held with Senators, Deputies and Connétables.

A meeting was also held with Scrutiny Officers. Some departmental officials accompanied Ministers.



Meetings were held with 19 States Members in total. Whilst it is recognised that this is less than 50%, the meetings have given rise to some common outcomes, which it is believed are sufficiently important to follow up.

### **Background**

As a starting point it is worth considering the original intended purpose of scrutiny, what it was set up to do and the requirements needed in order for it to be effective.

#### *Original purpose of scrutiny*

It is beneficial at this point to refer back to P.122/2001 (7.1) –

*“...scrutiny should be regarded as embracing three main activities, namely participation in the development of policy, the review of legislation and the performance of government.”*

The first responsibility of Scrutiny Committees (as they were termed in P.122/2001) was –

- “To seek to influence the formulations and development of policy by considering and commenting on proposals that have been received from individual Ministers and the Council of Ministers....”

It is apparent that there was an original intention for scrutiny to be involved in policy development, yet some Panels have felt excluded whilst others believe being involved early is doing the work of the Executive.

#### *Original pre-requisites for effective scrutiny*

P.79/2003 (27) dealt with the conditions for effective scrutiny. The full section is included as an appendix to this report but it is worth including a couple of excerpts here as follows:-

- **“Member Leadership and Engagement** – Scrutiny can only work in the longer term if scrutiny members drive the process and provide genuine leadership. This is not just a task for the Chairmen and Deputy Chairmen but a wider number of members must be actively engaged and enthusiastic about scrutiny. These members also have to demonstrate the appropriate skills to undertake this work and to have the trust of fellow members; and
- **Responsive Executive** – A responsive Executive which is willing to listen to and be influenced by scrutiny is a pre-requisite for effective scrutiny....”

Over the last 3 years enthusiasm to be part of scrutiny has declined. The reasons for this are discussed in detail below, however, one of the main reasons appears to be that Scrutiny Members do not feel that Ministers are willing to listen and willing to be influenced by Scrutiny. Indeed it was stated (and not by non-Executive Members) that some Ministers are arrogant and have a total disrespect for Scrutiny in any form. This in turn has helped to lead to a lack of active engagement and enthusiasm to be part of the Scrutiny function.

It seems to be vital to re-establish an understanding of what Scrutiny was originally set up to do, for Ministers to accept that Scrutiny can and should be involved in policy formation and also to demonstrate that they are willing to be influenced by Scrutiny (actually show that they have acted on Scrutiny recommendations rather than just accept/reject them). This in turn would hopefully encourage more non-Executive Members to be actively engaged and enthusiastic about Scrutiny.

#### Key Findings

Although the findings were very broad, this report focuses on the main ones relating to scrutiny within the current system of government. The main key findings were –

- There is minimal support for reverting to the Committee system;
- There is a strong common view that Scrutiny in some form should continue;
- There is a strong wish for more inclusivity i.e. being involved in the development of policy;
- There is general support for Scrutiny being involved at an early stage of policy formation and also in it assessing whether existing policy is fit for purpose; examples of successful reviews have been given as: Sale of former JCG, Importation of Bovine Semen, Rural Economy Strategy, Mobile Phone Masts, Fort Regent, Speed Limits and Long Term Care of the Elderly.
- There is an agreed view that Scrutiny should not be used for personal political agendas; Members have opportunities in Jersey to pursue personal politics outside Scrutiny.
- Scrutiny is not, nor should be, a vehicle for opposition politics (although there was a view held by some that there should be an opposition and that there is currently no mechanism for this).
- Very few Members, Scrutiny or Executive have read and are familiar with the Code of Practice for Scrutiny Panels and the PAC.

#### Summary analysis of views

##### A. Inclusion versus exclusion

This was the main common theme –

- Members stand for election because they want to make a difference based on personal and political viewpoints. Consequently, once elected, Members want to be in a position of pursuing those political aims and being involved in order to try to achieve what they set out to do.
- Members being placed in a position where they think they cannot make a difference results in a feeling of failure, they become frustrated which can lead to animosity and in turn, divisiveness and this creates a dysfunctional structure.

- There appears to be a four-tier society in the Jersey legislature with differing degrees of responsibility and power, the divisions of which seem to have caused it to become adversarial.

Ministers	Power in the hands of the few, many having diverse views of the role of Scrutiny or not understanding or appearing to even want to understand the role of Scrutiny. There appears to be a view held by some that Scrutiny is an irritant.
Assistant Ministers	Closer to decision-making and feel included but with no powers. Some have no real understanding of the role of Scrutiny. Also there is little understanding by non-Executive Members about what they actually do.
Scrutiny Members	No decision-making powers. Some feelings of exclusion and being unable to make a difference through influential means (evidence-based S.R.s). Differing views and opinions on the role of Scrutiny. Opposition and Scrutiny are getting confused.
Non-Executive Members not in scrutiny	Members on the non-executive but with no wish to sit on Scrutiny. Via other conversations this review found that some of these Members believe Scrutiny to be ineffective and others simply prefer to work on their own areas of personal and political interest.

#### B. Politicisation of scrutiny

One general outcome was an agreement that Scrutiny should not be political; there are opportunities in Jersey to pursue personal politics outside Scrutiny.

It was commonly felt that the original intention of Scrutiny approaching subjects on an impartial, objective and balanced basis had generally been lost. The reasons could be partly because of A above and/or because there is no vehicle for opposition politics, so Scrutiny has naturally filled that vacuum, although the Scrutiny Office maintains its impartiality and objectivity in advice given. The inclusion of personal politics in Scrutiny had, it was felt by many, led to a lack of trust.

Some quotes:

- Certain Members use Scrutiny for their own ends and to gain information for their own cases and political interests and as a result Scrutiny is undermined;
- Some Members play political games and abuse the Scrutiny system;
- Scrutiny being used as voicing political views;
- Some Members use Scrutiny to expound opposition politics;
- More attention should be given to political issues rather than topics that are in the public interest.

### C. Scrutiny

#### When should scrutiny be involved?

The general agreement of those spoken to, with a few exceptions, was that Scrutiny should be involved in policy formation. It was felt that this could work without damaging the integrity of either the Minister and Department or the Scrutiny process. A means of achieving this may be by Panels nominating one Panel Member as rapporteur in a specific area (with Scrutiny Officer support) who could then be more involved in the Minister/Department's work on the policy under development (e.g. attending meetings). At an appropriate time the rapporteur would report back to the Panel and terms of reference would be drawn up for a review. It should be recognised however that Scrutiny members will maintain the independence to challenge and criticise during a formal review.

In order to do this, there are two essential elements:-

- Ministers must be prepared to be open with rapporteurs/Panels;
- Panels must be prepared to accept private meetings/briefings and respect confidentiality;
- All Members, Scrutiny Officers and departmental officials need to recognise and accept that Scrutiny can be involved at a number of stages: from the conceptual phase of policy to reviewing whether a policy is fit for purpose.

Some quotes:

- Scrutiny Members are very much part of the decision-making process;
- Generally scrutiny should review completed policy;
- Scrutiny should be involved asap working alongside Ministers when considering new policy but working independently from Ministers on reviews into those policies;
- Scrutiny should be involved at the earliest possible opportunity – at the conceptual stage;
- Scrutiny should be involved at the consultation phase;

#### How can scrutiny improve in the current system?

Outside the concerns of inclusion/exclusion above, and in consideration of what can be done to improve within the existing structure, the following prerequisites were mentioned:

- strong Chairmen with leadership skills were needed;
- the ability to work as a team was essential;
- improved selection of topics;
- a focus on specific reviews and not “dabble” in everything;
- be prepared to work closely with the Executive but keep a distance when review is underway;

- become more robust and challenging – bring forward more propositions for debate on the back of review evidence.

Some quotes:

- The quality of Scrutiny depends on effective leadership;
- The conspiracy theory idea (which has no foundation) needs to be dropped;
- Develop team working on Panels;
- Standardise approaches i.e: abide by the various documents pertaining to Scrutiny as mandated by the States so that there is less confusion for the public;
- Use the opportunity to form Sub-Panels more to include wider Membership across topic areas.

#### **D. Ministers: approach to scrutiny**

Whilst, perhaps inevitably, most Ministers believe that they have tried to be open with their respective Panels, some Panels do feel that the Ministers have “stone-walled” them. If more co-operative working practices could be developed as discussed above, communication should improve and information be shared more readily.

Some quotes:

- Some Ministers do not take Scrutiny reviews, nor quarterly hearings seriously;
- Executive can be seen as arrogant when it comes to Scrutiny;
- On occasions Panels have been misinformed about the existence and/or availability of information;
- The Executive want to lead and control Scrutiny;
- Some Ministers could often do more to interact with Panels and involve them in policy development whilst accepting that the time will come when the Panels will work independently on a review;
- Ministers have become defensive. When someone expects criticism, it is a normal reaction to go on the defensive.

#### **E. Role of Assistant Ministers**

Other than the fact that the role is not widely understood, there were mixed opinions about whether Assistant Ministers should be permitted to sit on Scrutiny Panels. Of concern was the fact that many Assistant Ministers attend the Council of Ministers meetings from time to time and are conversant with matters outside their own remit. There was the view that this may create difficulties if Assistant Ministers were to be objective when working on a Scrutiny Panel.

Some quotes:

- Scrutiny Members can have more access to information than Assistant Ministers;

- Assistant Ministers are not elected by the States and have no mandate;

#### F. “Troy Rule”

There was a very split view in respect of whether the “Troy rule” should be abolished. Many thought it would be unhealthy if the Executive had a majority. Furthermore, it was stated that for Assistant Ministers to sit on Scrutiny did not mean the abolition of the Troy rule. However, it was also stated that if the Troy rule were to be abolished, Assistant Ministers should be elected by the States.

Some quotes:

- “Troy rule” should be maintained;
- It would be unhealthy if the Executive had a majority, although it would be useful to spread the work around;
- More Assistant Ministers aren’t necessarily required and it could have some detrimental effects;
- Abolish. The Troy rule is only appropriate for a party system;
- It doesn’t serve an effective function;
- There is no problem with the “Troy Rule” as it ensures an appropriate balance between Executive and non-Executive Members.

#### G. Conduct of Members

There was a general view and a great deal of disappointment that conduct had deteriorated considerably, not just in Scrutiny but in the States Assembly. It was felt that Ministers had become more defensive; a possible result of being constantly criticised and being subjected to aggressive and sometimes offensive behaviour. It was felt that if there are Codes of Practice then there should be sanctions for any breaches although there were no clear suggestions what sanctions could be imposed nor who would implement them.

Some quotes:

- No professionalism in the States as a whole nor in Scrutiny: poor punctuality, poor behaviour during meetings, breaking Codes of Practice and protocols etc;
- Some Members have told officers to “break the rules” to get information;
- Members too willing to blame the Executive for Scrutiny’s lack of activity when in reality it’s usually due to the inactivity of the Panels;
- Some Scrutiny Members’ conduct brings Scrutiny into disrepute;
- A stronger PPC is needed to ensure appropriate behaviour overall

## Recommendations

These recommendations are for discussion purposes and initial consideration by the Chairmen's Committee as part of its legacy report.

### **Recommendation 1: Improve Communication**

There must be a will on the part of all States Members to understand what all the various rôles entail and a willingness to share information and co-operate with one another. Whilst this would necessitate a move from the current mood of Members it could be achieved as follows –

- Initial induction (immediately after October half-term) for newly-elected States Members on the work of the Scrutiny Office;
- Meeting of all States Members early January to consider the outcome of this review, more inclusive working practices and to receive information on the Standing Orders and Codes of Practice which apply to Scrutiny and the PAC;
- Ministers and Assistant Ministers hold departmental open-days early in 2012 for all Members (not just Scrutiny but for all Members whatever their role) to meet officers and receive briefings on the work of departments (in private);
- Ministers and Assistant Ministers hold departmental briefings in departments with respective Panels and relevant officials to give more in-depth briefing on work of the department(s) and the role that individual Assistant Ministers will have and forthcoming work programmes. This will give an opportunity for the Ministers to explain areas which may be particularly sensitive and confidential;
- A hearing in public, the purpose of which would be for the Minister and Assistant Minister(s) to explain work programmes;
- Scrutiny Officers and DSLO's (maybe Chief Officers) to hold an away-morning to consider potential improvements of working relationships and greater understanding of each other's role and the outcomes of the political discussions on the "Senator Ferguson Review";
- Continue dialogue through closer working arrangements between individual Panel Members and Departments on specific issues. It should be recognised however that Scrutiny members will maintain the independence to challenge and criticise during a formal review.

(There has been a proposal that new scrutiny members should be allowed to shadow Ministers for a period of time)

**Recommendation 2: Reach an agreement that in order to bring about a more inclusive system within the existing structure, Scrutiny should be involved in policy development as per the original intention.**

There should be a will on the part of all Members to overcome the divisiveness which now exists and to want to adapt the existing system within the current framework to create more inclusive work opportunities. There needs to be an overall change of

attitude towards the system and towards each other with “give-and-take” on both sides to succeed in working in partnership.

How can this be achieved?

- All Members and officials (Departmental and Scrutiny) need to embrace the original purpose of Scrutiny as set out on page 3 of this document;
- Scrutiny Members need to approach the new session by being actively engaged and bringing a determination to build more trusting relationships whilst being more robust (hopefully induction will help to achieve this but Members’ determination is the most important);
- Chairmen with strong and proven leadership skills need to be elected;
- Ministers must be more inclusive, inviting Panels into Departments to meet officials and to discuss forthcoming business (in private);
- Scrutiny Members have stated they want more inclusion and more information. To achieve this, they must accept that private meetings are at times essential, that confidentiality must be respected and this helps build better relationships;
- Ministers have power but must be less arrogant, less dismissive of Scrutiny, less on the defensive and much less controlling;
- Ministers must factor into their planning sufficient time for Scrutiny to undertake thorough reviews and advise the Panels of these timings in good notice;
- Ministers must attend on Scrutiny Panels as requested if reasonable notification is given (7 working days) or if the matter is urgent in less than 7 working days;
- Ministers must recognise that there is a presumption that Panels conduct their review business in public (in accordance with Standing Orders and with certain exceptions) and must not try to influence this;
- One Panel Member could have responsibility for an area as a rapporteur and attend Ministerial/Departmental meetings (but not to do work on behalf of the Minister) and when the time is ready for Scrutiny, the full Panel or a Sub-Panel becomes involved and a distance re-established;
- It must be recognised that Scrutiny resources are for Scrutiny purposes and Scrutiny Officers should not be requested to do research on work other than Scrutiny matters.

**Recommendation 3:** Scrutiny must be more selective in its review topics, re-organise and standardise its working practices and be more robust

- Panel Chairmen need to be strong leaders, understand the Scrutiny system and be prepared to work within Standing Orders and Codes of Practice etc.;
- Panel Chairmen must be prepared to develop strong working relationships with their Panel Members and Scrutiny Officers and be willing to heed procedural advice;



- Panels must recognise that the Scrutiny role is to undertake reviews of policy, (in development or other), legislation and government performance;
- To acknowledge the demand for more topic-based reviews, Scrutiny should mainly work through the Sub-Panel framework so opportunities are provided for Scrutiny Members to do work outside the remit of the main Panel;
- Members should have a genuine will to review a topic rather than feeling they “have” to;
- Scoping documents and Terms of Reference need much more serious consideration about what the review wants to achieve – deeper consideration about potential outcomes should be given at topic selection;
- Where appropriate, closer working arrangements with the Executive at the time of drawing up Terms of Reference have proved beneficial but Panels must always reserve the right to have control over the final ToR;
- Panels should follow-up recommendations with more propositions and amendments. This is the only way in the current system that matters can be brought to the States for debate and a Panel to feel it has influenced government policy.

**Recommendation 4: All Members and Officials must ensure adherence to Standing Orders, Code of Practice, Protocols and Guidelines**

Given that the diversity of approach and working practices across Panels is so wide, it is essential that some standardisation occurs to make Scrutiny more professional and less confusing for members of the public.

- All Members (Scrutiny and Executive) need to recognise that they are mandated by the States to abide by the Standing Orders and Code of Practice for Scrutiny Panels and the PAC, whilst recognising that these do give room for flexibility in working arrangements;
- Ministers need to honour Schedule 3(9) of Standing Orders and not delay/defer meetings/hearings with Panels, unless exceptional circumstances arise;
- Panels can achieve results without aggression but Ministers should expect challenge;
- Panel Chairmen and Members must accept that Scrutiny Officers cannot breach the Code of Practice as they are mandated by the States to abide by it, until changes are made at a political level.

**Recommendation 5: Member behaviour needs to be modified to raise the professionalism of scrutiny in the public eye**

If the presumption for holding review meetings and hearings in public is to be continued, then the public can rightly expect professional, business-like conduct from Panels.

- Elect Chairmen with good and proven leadership qualities;

- Chairmen should encourage Panels to work as a team;
- Chairmen should encourage Members to lead Sub-Panels or work as rapporteur in an area which is of interest to them dependent on resources;
- All Panel Members and witnesses must be punctual for meetings/hearings, unless unforeseen matters arise at short notice;
- It must be clear when meetings are to be in public;
- Meetings should not be cancelled at the last minute (unless unavoidable);
- Preparation meetings should be held prior to hearings to ensure questions are well formulated and the process is agreed.

**Recommendation 6:** There should be a comprehensive training programme planned for the next term of office.

Members should be willing to take part in training sessions to improve their skills which are pertinent to the role they play. Improvement is always possible and even Members who have held a political position for some time can gain something from refresher training. The following (in no specific order) is proposed –

- Induction session on Scrutiny for newly elected Members;
- Initial overview training for Scrutiny Members on Scrutiny;
- Seminar for all Members (new and re-elected) on Scrutiny and the Code of Practice;
- Visits to Westminster Select Committees (based on Panel visits with officers – special programmes can be made for Members and there may be the possibility of meeting Select Committee Chairmen and Members);
- Questioning training – repeated with refresher;
- Seminar on “evidence” and related analysis;
- Training on Chairing Skills – for all Scrutiny Members.

#### **Other**

1. **Assistant Ministers on Scrutiny:** Out of the 19 Members interviewed a large majority believed that Assistant Ministers should be able to sit on Scrutiny Panels. There was an alternative view that they should be able to sit on individual reviews but not on main Panels;
2. **Abolition of the “Troy rule”:** Out of the 19 Members interviewed a narrow majority thought the Troy rule should not be abolished;
3. **Compulsory to work in Scrutiny for a year before moving to the Executive:** There were split views about this but a fair number of Members believed that it would be beneficial for all newly elected Members to serve on Scrutiny;
4. **Assistant Ministers to be elected by the States of Jersey:** There was a split view on this with some Members being of the view that Ministers needed to

be able to work well with their Assistant Minister(s) and so should be able to select them. Others felt that it was equally important for Scrutiny Chairmen to be able to work with their Members and it was wrong for Panel Members to be appointed by the States. It should be the same rule for both.

## APPENDICES

## APPENDIX 1

## Summary of comments

The comments which have been most repeated have been included in this section.

*Main concerns*

- The problems with scrutiny are just aspects of a much bigger problem with the system of government where power is concentrated in too few hands;
- Unless this is tackled, everything else will be tinkering at the edges;
- The current system is designed for party politics yet there is no appetite in Jersey for party politics;
- Jersey lacks a “proper” government with a “proper” opposition – scrutiny should not be the vehicle for opposition;
- There is a general deterioration in government in Jersey, that is in the States;
- Scrutiny and the Executive – poor punctuality, behaviour, break protocols etc.;
- Some of the personalities within the States at present are more of a problem than the system itself;
- Because some Panel Members have certain strong political views, Departments adopt a defensive approach and are reluctant to share information which could end up in the media or a public domain;
- Some of the Executive Members are arrogant and view Scrutiny as an irritant;
- Some people use scrutiny to make their voice heard resulting in a confrontational approach and this undermines scrutiny;
- Too many personal agendas in scrutiny instead of team spirit – at times Members have asked officers to “bend the rules” to get information to meet their own ends;
- Topics often chosen only when an individual has an “axe to grind”;
- Some Panels have a political foundation: scrutiny is not the vehicle for this;
- Important matters which should be scrutinised have not been whilst scrutiny has focussed on matters of limited importance;
- Reviewing legislation is currently very limited;
- Preconceived idea by some that scrutiny won’t work and they’ve tried to bring it down whilst others have kept it going;
- Deterioration in openness between scrutiny and the executive; down to increasing lack of respect and trust;
- Ministers portfolios are too vast, so more authority given to Civil Servants;

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- The executive want to control scrutiny;
- In an executive role you feel you are doing something. In scrutiny you play a part which goes nowhere;
- Scrutiny was set up to challenge. As soon as you challenge, those challenged go on the defensive. Leads to exclusion of those challenging;
- Many Ministers and Departments don't take scrutiny seriously. They ignore scrutiny reports;
- Some Panel Members make personal attacks on departmental officials;
- Some Panel Members refuse to sign confidentiality agreements so don't get the information but then criticise the department for obstructing their work;
- Some former Ministers or Assistant Ministers refuse to participate in scrutiny as they see it as a form of demotion;
- Some Members expressed dissatisfaction during the election-campaign and came in with ideas that it wasn't working, with conspiracy theories, little motivation and wanting to be an opposition;
- Scrutiny is a "toothless lion" with ministers ignoring what scrutiny says and/or putting barriers in way of reviews;
- Departments not always willing to hand over information which has been requested;
- Departments don't factor in time for scrutiny (2/3/4 months) when planning their schedules;
- Some Members refuse to take procedural advise from Scrutiny Officers;
- The current disillusion will not be a good basis for new members coming in after the election;
- Panels are not effective at lodging propositions on the basis of reports to enable debate and decision nor are they good at following up on recommendations;
- Panels end up "monitoring" departments because they want to be included but everything can't be monitored;
- Departmental officers see scrutiny as a burden, slowing things down and getting in their way;
- Some policies are "rammed" through as quickly as possible to avoid scrutiny;
- Ambiguous definition of evidence. If scrutiny doesn't check evidence from Departments it could discredit scrutiny;
- Being a "back-bencher" bringing own propositions can be more effective than being involved in scrutiny;
- Panels have announced in the States that they haven't received information when in fact they have;
- There are times when Accept/Reject in Ministerial response template is inappropriate – recommendations might already being progressed;

- The issue of unregulated individuals filming or recording during public hearings needs to be addressed;
- No additional resources were put into Departments to deal with scrutiny enquiries; it was added to an already full job and with reducing numbers in departments it has become even more difficult to provide information in a timely manner;
- Also Departmental officials need to check the information before sending to ensure accuracy and this takes time; when officials don't have time to check documents they are sent out under confidentiality cover;
- Members don't like rules so they object to the CoP;
- Scrutiny Members keen to complain about workload and being busy but total commitment to reviews is minimal;
- Members too willing to blame the Executive for scrutiny's lack of activity when in reality it's rarely the fault of the Executive;

*What needs to be done*

- A definition of scrutiny needs to be agreed;
- Need meaningful dialogue between Panel and Minister/Department;
- Scrutiny Chairmen and respective Ministers should aim to have constructive, good working relationships whilst respecting that scrutiny will undertake its work at a distance;
- Sanctions are needed for Chamber/CoM/Scrutiny and need to be used although sanctions could block reviews;
- There should be one Code for all States Members: separate ones make it divisive from the outset;
- General presumption that hearings should be in public as should meetings where possible, but there are times when confidentiality is required, but Members must abide by the protocols for Members of the public;
- There have been some good scrutiny reports but they've been published too late to have major impact;
- Scrutiny Officers with Departmental officers could play a larger role in getting information for Panels;
- Scrutiny needs to be more assertive;
- Panels could do more to promote their work through the media;
- Panels should aim to bring about definitive changes where appropriate through debates in the Assembly and bring forward more propositions. This should bring greater satisfaction to Members in that they are making a difference;
- Panels should make use of fact-finding visits to departments;
- Panels need to influence policy through statements, comments, questions and amendments based on facts not political views;

- Chairmen should be aware of their responsibility to engender team work amongst members. Panels are only as good as the Chairmen they have;
- Consideration of non-political people sitting on Panels, interviewed by a senior body (PPC/SEB) and agreed by the Assembly;
- More topic-based scrutiny and less emphasis on shadowing or looking at all propositions/MDs etc.;
- Scrutiny Chairmen should be able to appoint Scrutiny Members without States involvement much as Assistant Ministers are;
- It is healthier to have Members working alongside Ministers so there are more people looking at policies;
- Every States Members should be obliged to carry out an “official” function and it should not be permitted for people to opt out;
- Newly elected Members on Scrutiny should be given the option of shadowing Ministers;
- It would be useful for all Members to understand what Green and White Papers are and when scrutiny should become involved;
- Scrutiny should be involved in the planning process;
- There should be an evaluation of scrutiny reviews which include the CC and the CoM to help strengthen the role of scrutiny;
- Ministers could be asked to respond to S.R.s in the Assembly and justify why they have rejected recommendations, equally be asked to give updates on work on agreed recommendations;
- Need to become more review-focussed. When dabbling in everything else it is time-wasting and not scrutiny.

## APPENDIX 2

Excerpt from P.79/2003

27. Conditions for effective scrutiny

- 27.1 A recent report from the Office of the Deputy prime Minister looked at many examples of innovative good practice in the United Kingdom in the development of the potential of scrutiny. In its final chapter, it explored the key issue of how to identify effective scrutiny and points towards a number of conditions for successful scrutiny. Similar conditions are likely to apply in the Jersey context –
- **Member Leadership and Engagement** – Scrutiny can only work in the longer term if scrutiny members drive the process and provide genuine leadership. This is not just a task for the Chairmen and Deputy Chairmen but a wider number of members must be actively engaged and enthusiastic about scrutiny. These members also have to demonstrate the appropriate skills to undertake this work and to have the trust of fellow members.
  - **Responsive Executive** – A responsive Executive, which is willing to listen to and be influenced by scrutiny is a pre-requisite for effective scrutiny. However, where the Executive “stone-walls” scrutiny it will still be possible for Panels to work to combat this through influencing the States, engaging and influencing partners and public.
  - **Effective Support and management of Scrutiny Processes** – Whilst members must “lead” and “own” the scrutiny process, officer support is required to manage a range of scrutiny processes, including work programmes, meetings, agenda, identifying and contacting witnesses, preparing briefing notes, minutes and so on. The findings from a number of studies clearly identify a link between investment in officer support and effectiveness of scrutiny arrangements. Those U.K. local authorities that have invested more in terms of officer support (and other resources, including training and payment of expert witnesses) have reaped the rewards.
  - **Senior Officers** – A culture where senior officers working for the Executive support and encourage scrutiny is just as important as a responsive Executive. In certain circumstances decision-making members and senior officers can work to blunt the effectiveness of over view and scrutiny. It is an important condition for effective working that senior officers welcome the challenge and added value that scrutiny can bring. In particular, senior officer support is vital in terms of ensuring general responsiveness of officers in departments to the requests and demands from scrutiny.
  - **High Level of Awareness and Understanding of the Work of Scrutiny** – A pre-condition for effective scrutiny is that internal and external individuals and organisations are aware of, and understand, the work of this function. Educating officers and non-scrutiny members about the role and potential of scrutiny is an important task, as is raising the awareness of the work of Scrutiny Panels with partners, the public and the local media.



**APPENDIX 3**

**CODE OF CONDUCT FOR ELECTED MEMBERS**

**1 Purpose of the code**

The purpose of the code of conduct is to assist elected members in the discharge of their obligations to the States, their constituents and the public of Jersey. All elected members are required, in accordance with standing orders, to comply with this code.

**2 Public duty**

The primary duty of elected members is to act in the interests of the people of Jersey and of the States. In doing so, members have a duty to uphold the law in accordance with their oath of office and to act on all occasions in accordance with the public trust placed in them.

Elected members have a general duty to act in what they believe to be the best interests of Jersey as a whole, and a special duty to be accessible to the people of the constituency for which they have been elected to serve and to represent their interests conscientiously.

Elected members must give due priority to attendance at meetings of the States in accordance with the terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so.

**3 Personal conduct**

Elected members should observe the following general principles of conduct for holders of public office –

**Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family and friends, their business colleagues or any voluntary or charitable organization they are involved with.

**Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

**Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest, or rules on freedom of information, data protection or confidentiality clearly demand.

**Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership**

Holders of public office should promote and support these principles by leadership and example to maintain and strengthen the public's trust and confidence in the integrity of the States and its members in conducting public business.

*The principles in practice***4 Conflict between public and private interest**

Elected members should base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

**5 Maintaining the integrity of the States**

Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute.

Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.

**6 Public comments etc. regarding a States' employee or officer**

Elected members who have a complaint about the conduct, or concerns about the capability, of a States' employee or officer should raise the matter, without undue delay, with the employee's or officer's line manager (or, if he or she has none, the person who has the power to suspend the employee or officer), in order that the disciplinary or capability procedures applicable to the employee or officer are commenced, rather than raising the matter in public.

Elected members should observe the confidentiality of any disciplinary or capability procedure regarding a States' employee or officer and its outcome. If an elected member is nevertheless of the opinion that it is in the wider public interest that he or she makes a public disclosure of or comment upon the outcome of any such procedure, he or she should inform the parties to the procedure before so doing and, when so doing, refer to the individual by the title of his or her employment or office rather than by his or her name.

In this paragraph, "States' employee or officer" means a States' employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005, a member of the States of Jersey Police Force and any officer mentioned in the Schedule to that Law who is not a member of the States.

**7 Gifts and hospitality**

Elected members should not accept gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver. In receiving any gift or hospitality, members should consider whether they would be prepared to justify acceptance to the public.

**8 Access to confidential information**

Elected members must bear in mind that confidential information which they receive in the course of their duties should only be used in connection with those duties, and that such information must never be used for the purpose of financial gain nor should it be used in their own personal interest or that of their families or friends. In addition, members should not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties unless it is clearly in the wider public interest to do so. Elected members must at all times have regard to all relevant data protection, human rights and privacy legislation when dealing with confidential information and be aware of the consequences of breaching confidentiality.

Elected members must not disclose publicly, or to any third party, things said, or information produced, in a meeting of the States that is conducted in camera, unless the States have permitted such disclosure.

**9 Co-operation with committees and panels**

Elected members shall co-operate when requested to appear and give evidence before or produce documents to –

- (a) a scrutiny panel, for the purpose of the review, consideration or scrutiny of a matter by the panel pursuant to its terms of reference and the topics assigned to it, or to a sub-panel or any person appointed by the scrutiny panel to review, consider, scrutinize or liaise upon any particular matter;
- (b) the PAC, for the purpose of the preparation of a report upon or assessment of any matter pursuant to the PAC's terms of reference;
- (c) a committee of inquiry, for the purpose of the inquiry which the committee is appointed to conduct; and
- (d) the PPC, for the purpose of an investigation of a suspected breach of this code, or to any person appointed by the PPC to investigate a suspected breach.

**Members' involvement in Scrutiny reviews  
which culminated in a Report during 2011**

<b>Name</b>	<b>Review</b>
Senator B.E. Shenton	All PAC reviews as listed in PAC section
Senator S.C. Ferguson	<ol style="list-style-type: none"> <li>1. Jersey Development Company (S.R.1/2011)</li> <li>2. Review of the Fiscal Strategy Review (S.R.2/2011)</li> <li>3. Migration: Control of Housing and Work (S.R.9/2011)</li> <li>4. Lime Grove House: Failure to Complete Transaction (S.R.12/2011)</li> </ol>
Senator A. Breckon	<ol style="list-style-type: none"> <li>1. Review of Speed Limits: Revised Policy (S.R.4/2011)</li> <li>2. States of Jersey Development Company: Selection Process (S.R.8/2011)</li> </ol>
Senator J.L. Perchard	<ol style="list-style-type: none"> <li>1. States of Jersey Development Company: Selection Process (S.R.8/2011)</li> </ol>
Senator F. du H. Le Gresley	<ol style="list-style-type: none"> <li>1. Review of the Fiscal Strategy Review (S.R.2/2011)</li> <li>2. States of Jersey Development Company: Selection Process (S.R.8/2011)</li> </ol>
Connétable [S.A. Yates] of St. Martin	<ol style="list-style-type: none"> <li>1. Review of Benefit Levels (S.R.3/2011)</li> <li>2. Social Housing Waiting Lists (S.R.11/2011)</li> </ol>
Connétable [D.W. Mezbourian] of St. Lawrence	<ol style="list-style-type: none"> <li>1. Review of Benefit Levels (S.R.3/2011)</li> <li>2. Social Housing Waiting Lists (S.R.11/2011)</li> </ol>
Connétable [A.S. Crowcroft] of St. Helier	<ol style="list-style-type: none"> <li>1. Policing of Beaches and Parks (S.R.10/2011)</li> </ol>
Deputy R.G. Le Hérisier of St. Saviour	<ol style="list-style-type: none"> <li>1. Cultural Strategy Review (S.R.5/2011)</li> <li>2. School Exam Results (S.R.6/2011)</li> <li>3. Succession Planning within the States of Jersey Police (S.R.7/2011)</li> <li>4. States of Jersey Development Company: Selection Process (S.R.8/2011)</li> <li>5. Issues surrounding the review of financial management of Operation Rectangle (S.R.16/2011)</li> </ol>
Deputy G.P. Southern of St. Helier	<ol style="list-style-type: none"> <li>1. Review of Benefit Levels (S.R.3/2011)</li> <li>2. Social Housing Waiting Lists (S.R.11/2011)</li> </ol>
Deputy [C.F. Labey] of Grouville	<ol style="list-style-type: none"> <li>1. Migration: Control of Housing and Work (S.R.9/2011)</li> </ol>

Deputy [C.H. Egré] of St. Peter	<ol style="list-style-type: none"> <li>1. Jersey Development Company (S.R.1/2011) (<i>left to become an Assistant Minister</i>)</li> <li>2. Lime Grove House: Failure to Complete Transaction (S.R.12/2011)</li> </ol>
Deputy J.A.N. Le Fondré of St. Lawrence	<ol style="list-style-type: none"> <li>1. Review of the Fiscal Strategy Review (S.R.2/2011)</li> <li>2. States of Jersey Development Company: Selection Process (S.R.8/2011)</li> </ol>
Deputy P.V.F. Le Claire of St. Helier	<ol style="list-style-type: none"> <li>1. Migration: Control of Housing and Work (S.R.9/2011)</li> </ol>
Deputy S.S.P.A. Power of St. Brelade	<ol style="list-style-type: none"> <li>1. Review of Speed Limits: Revised Policy (S.R.4/2011) (<i>from 15th February 2011</i>)</li> </ol>
Deputy [P.J. Rondel] of St. John	<ol style="list-style-type: none"> <li>1. Review of Speed Limits: Revised Policy (S.R.4/2011)</li> <li>2. Protecting our Marine Environment (S.R.15/2011)</li> </ol>
Deputy M. Tadier of St. Brelade	<ol style="list-style-type: none"> <li>1. Cultural Strategy Review (S.R.5/2011)</li> <li>2. School Exam Results (S.R.6/2011)</li> <li>3. Policing of Beaches and Parks (S.R.10/2011) (<i>resigned from Scrutiny on 13th July 2011</i>)</li> </ol>
Deputy [D.J.A. Wimberley] of St. Mary	<ol style="list-style-type: none"> <li>1. Review of Speed Limits: Revised Policy (S.R.4/2011)</li> <li>2. Protecting our Marine Environment (S.R.15/2011)</li> <li>3. Issues surrounding the review of financial management of Operation Rectangle (S.R.16/2011)</li> </ol>
Deputy T.M. Pitman of St. Helier	<ol style="list-style-type: none"> <li>1. Cultural Strategy Review (S.R.5/2011)</li> <li>2. School Exam Results (S.R.6/2011)</li> <li>3. Succession Planning within the States of Jersey Police (S.R.7/2011)</li> <li>4. Issues surrounding the review of financial management of Operation Rectangle (S.R.16/2011)</li> </ol>
Deputy T.A. Vallois of St. Saviour	<ol style="list-style-type: none"> <li>1. Review of the Fiscal Strategy Review (S.R.2/2011)</li> <li>2. Review of Benefit Levels (S.R.3/2011) (<i>until 15th February 2011 – left to become Assistant Minister</i>)</li> </ol>
Deputy D.J. De Sousa of St. Helier	<ol style="list-style-type: none"> <li>1. Jersey Development Company (S.R.1/2011)</li> <li>2. Review of the Fiscal Strategy Review (S.R.2/2011)</li> <li>3. Review of Benefit Levels (S.R.3/2011)</li> <li>4. Migration: Control of Housing and Work (S.R.9/2011)</li> <li>5. Policing of Beaches and Parks (S.R.10/2011)</li> <li>6. Social Housing Waiting Lists (S.R.11/2011)</li> <li>7. Lime Grove House: Failure to Complete Transaction (S.R.12/2011)</li> </ol>

Deputy J.M. Maçon of St. Saviour	<ol style="list-style-type: none"><li>1. Cultural Strategy Review (S.R.5/2011)</li><li>2. School Exam Results (S.R.6/2011)</li><li>3. Succession Planning within the States of Jersey Police (S.R.7/2011)</li><li>4. Migration: Control of Housing and Work (S.R.9/2011)</li><li>5. Policing of Beaches and Parks (S.R.10/2011)</li></ol>
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## Scrutiny Expenditure as at 31st December 2011

SCRUTINY EXPENDITURE AS AT 31ST DECEMBER 2011						
Panel	Reviews	Review Estimates c/f 2010	Review estimates 2011	Actual review expenditure	Actual Panel expenditure	Total expenditure
<b>Corporate Services Scrutiny Panel</b>						
	Jersey Development Co	£ 23,006.58		£ 21,462.50		
	JDC- Selection process		£ 10,600.00	£ 1,188.00		
	CSR 2012-2013		£ 25,800.00	£ 25,541.86		
	Fiscal Strategy	£ 10,946.00		£ 1,950.00		
	Desktop Review - States Contracts		£ 18,600.00	£ -		
	Fiscal Policy Panel		£ 300.00	£ 300.00		
	Migration		£ 1,280.00	£ 591.00		
	Lime Grove House		£ 3,600.00	£ 3,240.00		
	<b>Total Corporate spend</b>	£ 33,952.58	£ 60,180.00	£ 54,273.36	£ 589.50	£ 54,862.86
<b>Economic Affairs Scrutiny Panel</b>						
	e-gaming (Remote Gambling Disaster Recovery)		£ 600.00	£ 573.50		
	Jersey Airport		£ 29,350.00	-		
	<b>Total Economic spend</b>	£ -	£ 29,950.00	£ 573.50	£ 315.00	£ 888.50
<b>Education and Home Affairs Scrutiny Panel</b>						
	Policing of Beaches and Parks	£ 363.20		£ 171.00		
	School Examination Results		£ 2,380.00	£ 1,443.84		
	Cultural Strategy	£ 1,597.00		£ -		
	Succession Planning Police	£ 829.20		£ -		
	Civil Partnerships Law		£ 270.00	£ 252.00		
	Operation Rectangle		£ 2,500.00	£ 2,244.40		
	<b>Total ED&amp;HA spend</b>	£ 2,789.40	£ 5,150.00	£ 4,111.24	£ 351.00	£ 4,462.24
<b>Environment Scrutiny Panel</b>						
	Energy Policy		£ 20,000.00	£ 3,300.81		
	Review on Speed Limits		£ 6,000.00	£ 4,002.30		
	Protecting our Marine Environment	£ 8,783.84	£ 15,000.00	£ 18,698.97		
	<b>Total Environment spend</b>	£ 8,783.84	£ 41,000.00	£ 26,002.08	£ 234.00	£ 26,236.08
<b>Health, Social Security and Housing Scrutiny Panel</b>						
	CSR2 - HSSH	£ 30,491.00		£ 704.20		
	Social Housing Waiting Lists		£ 12,000.00	£ 941.80		
	<b>Total HSSH spend</b>	£ 30,491.00	£ 12,000.00	£ 1,646.00	£ 198.00	£ 1,844.00
<b>Total Public Accounts Committee spend</b>					£ 669.25	£ 669.25
<b>Other</b>					£ 16,650.05	£ 16,650.05
<b>Totals</b>			£ 224,296.82			£ 105,612.98
	<b>Total budget</b>	£ 356,500.00				
	<b>Total actual spend</b>	£ 105,612.98				
	<b>Balance</b>	£ 250,887.02				
	<b>Balance after estimated spend</b>	£ 132,203.18				



## Scrutiny Travel and Entertainment Costs for 2011

<i>SCRUTINY PANEL</i>	<i>Cost of travel (including accommodation) £</i>	<i>Cost of entertainment £</i>	<i>Total Cost £</i>
<b>Corporate Services</b>			
Panel	0	0	0
Advisers	1,990.44	40.65	2,031.09
<b>Economic Affairs</b>			
Panel	0	0	0
Advisers	0	0	0
<b>Education and Home Affairs</b>			
Panel	0	0	0
Advisers	318.41	0	318.41
<b>Environment</b>			
Panel	123.10	0	123.10
Advisers	1,240.82	20.00	1,260.82
<b>Health, Social Security and Housing</b>			
Panel	0	0	0
Advisers	0	0	0
<b>Public Accounts Committee</b>			
	0	0	0
<b>TOTAL FOR TRAVEL AND ENTERTAINMENT:</b>			<b>3,733.42</b>

## 5. INTER-PARLIAMENTARY BODIES



### 5.1 Introduction

Members of the States continued to play an active role in a number of different inter-parliamentary bodies in 2011 and these parliamentary exchanges complemented the executive contacts made by Ministers and by Assistant Chief Minister with responsibility for External Relations, Senator F.E. Cohen, until he left the Assembly after the elections.

### 5.2 Commonwealth Parliamentary Association (CPA)

The Jersey Branch continued to play an active role in the CPA throughout 2011 although because 2 seminars fell during the election period delegates were unable to be sent to those from Jersey. In addition no British Islands and Mediterranean Regional Conference was held during the year as no regional branch came forward to host the event.

#### *CPA Centenary*

2011 was a significant year for the CPA, which celebrated its centenary in July 2011. The Association was originally formed as the Empire Parliamentary Association in Committee Room 15 at the Houses of Parliament at Westminster on 18th July 1911 when a group of parliamentarians from the United Kingdom and the 5 then self-governing dominions (Australia, Canada, Newfoundland, New Zealand and South Africa) of the old British Empire agreed to form an Association.

The parliamentarians gathered at that time agreed that an Empire Parliamentary Association should be established to *'provide more ready exchange of information and to facilitate closer understanding and more frequent intercourse between those engaged in the parliamentary government of the component parts of the Empire'*.

They agreed that Association would be non-partisan, but members at Association activities would be free to give *'the fullest expression to their political views'*.



Membership of the Association was extended to include colonies and others with 'representative governments', so in the 1920s, Malta, Southern Rhodesia, India, Ireland, Ceylon, Bermuda, Barbados, Bahamas, North Ireland, 3 Canadian provinces and 5 Australian states all joined. Following the

Second World War, Parliamentarians returned to London in 1949 to change the EPA into the Commonwealth Parliamentary Association, heralding a new era of expansion that was to follow with the emergence of many colonies to independence. Branches were formed in countries such as Kenya, Fiji, Sierra Leone and Malaysia. The small islands of the Pacific and the Caribbean joined as equal members with huge fellow members such as India, Britain, Canada and Australia. Today, active CPA Branches exist in 175 national, state, provincial and territorial Parliaments, with a total membership of approximately 17,000 Parliamentarians.



The Chairman of the Jersey Branch marked the centenary exactly 100 years after the Association was formed by making an official statement in the States Assembly. In his statement he drew attention to the very active role that Jersey had played since it joined the CPA in 1952. He pointed out that Jersey had been instrumental in the setting up of the Small Branches conference and also mentioned that several members from Jersey had served as officeholders for the Association.

### ***Commonwealth Day 2011***

Two young people from Jersey, Chantal Varley-Best and Tom Harris, attended the Commonwealth Day Observance in London on 14th March 2011 organised by the CPA Secretariat. In addition to participating in discussions with members of Parliament and others in the morning on the theme of "Women as Agents of Change", the 2 Jersey representatives attended the Commonwealth Day Service in Westminster Abbey in the presence of Her Majesty The Queen which included theatrical performances and a talk by Annie Lennox. Following this, the 2 delegates were able to attend the Royal Commonwealth Society Tea Party, which gave them one final opportunity to meet fellow youth representatives and others. In her subsequent report to the Jersey Branch, Chantal wrote: *"As I got on the coach and settled down for my journey back to university I was shocked to see that it was only 7.30 p.m. I thought it couldn't possibly be that early. Surely I could not have learnt and achieved so much*

*in such a little amount of time! I think that goes to prove just how fantastic the programme of events was. Representing Jersey on Commonwealth Day at the Commonwealth Parliamentary Association was a truly rewarding experience”.*

### **31st Small Branches and 57th Commonwealth Parliamentary Conference – London**

Connétable Len Norman of St. Clement (Leader) accompanied by Senator Alan Breckon, Deputy Judy A. Martin of St. Helier and the Honorary Secretary, represented Jersey at these conferences in July which marked the centenary of the creation of the Association.



*The Opening Ceremony of the 57th Commonwealth Parliamentary Conference in Westminster Hall*

As usual, the conferences began with the Small Branches conference, and Senator Breckon was one of 2 Lead Presenters on the topic of migration. The plenary conference was opened by H.R.H. The Princess Royal, in the magnificent setting of Westminster Hall, where a dinner was held to mark the centenary of the dinner held there in 1911 when the Association was founded.



U.K. Prime Minister David Cameron M.P. and the Foreign and Commonwealth Secretary William Hague M.P. addressed delegates on the last day, and both confirmed their ongoing support for the work of the Commonwealth. The Branch was pleased to

note that Sir Alan Haselhurst M.P. was elected as C.P.A. Chairperson at the General Assembly held at the conclusion of the plenary conference.

### ***Commonwealth Youth Parliament***

The Jersey Branch was pleased to be able to send 2 young people from Jersey, Sam Mezec and James Rondel, to represent the Island at the Commonwealth Youth Parliament that was hosted jointly by the C.P.A. Secretariat and the C.P.A. U.K. Branch in September. The event brought together some 80 young people from across the Commonwealth, with the final plenary session being held in the House of Lords under the chairmanship of the Lord Speaker, Baroness De Souza.



*Youth Parliament participants (Jersey delegates at the far-left and far-right of the third row)*

In addition to the Committee and plenary sessions, the young delegates were able to meet a number of parliamentarians including the Speaker of the House of Commons, Rt. Hon. John Bercow M.P.

Both young people agreed that the experience of meeting and working with colleagues from across the Commonwealth had been a truly life-changing experience.



In his report to the Branch Sam Mezec wrote – *“The actual event itself was put together spectacularly well. From the moment we arrived we were treated incredibly well and the various politicians and members of the CPA we met were so enthusiastic to meet us and hear what we had to say. (...) I found*

*the whole week a truly incredible experience. I was offered opportunities to do things that most people (especially those my age) never get to do. I met many people who have inspired me and taught me and will hopefully become lifelong friends. I have developed my public speaking skills and learned to work with people who hold a variety of views to achieve a common endeavour.”*

James Rondel wrote – *“The real highlight came in the House of Lords. The two minutes in which I stood up and debated in front of Baroness De Souza, in the home parliamentary governance was a joy to behold. To stand up and speak in a chamber where only four times previously had non-peers debated in there was incredible. (...) Although brief and although slightly disjointed with nerves, I savoured every moment and believe that I represented Jersey to the best of my ability, which is all that I can be proud of. I can’t thank the Commonwealth Parliamentary Association – Jersey Branch and the States of Jersey enough for selecting me to take part in the Commonwealth Youth Parliament – it was one of the greatest experiences of my life and without a shadow of a doubt I would drop anything to sit on those red, comfortable benches once more!”*



### **5.3 Assemblée Parlementaire de la Francophonie**

In 2011, the Jersey Section did not attend conferences. It considered that the General Assembly was less relevant to the Island and therefore did not warrant supporting a delegate to attend on this occasion. Unfortunately the Regional Assembly fell during the week in which the Chief Minister and Ministers were appointed, so it was not possible to send delegates at this time. The Section was disappointed that the Parlement des Jeunes had been cancelled in 2011 but understood the financial pressures facing the organisation.

The Jersey Section agreed during 2011 to assume responsibility for funding the French classes for States members, currently provided by the Alliance Française. The necessary funds were accordingly made available by the Privileges and Procedures Committee.

The Jersey Section was sad to learn of the passing of Mr. Freddie Deghilage, former Deputy of the Belgian Parliament and Chargé de mission for the European Region for many years. The Section has expressed its sympathy to his widow.

#### 5.4 British-Irish Parliamentary Assembly

Senator Alan A. Breckon has been Jersey's representative on the British-Irish Parliamentary Assembly (B.I.P.A.) since 2006. B.I.P.A. brings together parliamentarians from the parliaments at Westminster and Dublin, from the devolved Parliament and Assemblies in Scotland, Wales and Northern Ireland and from the 3 Crown Dependencies.

Senator A. Breckon attended both Plenary Sessions in 2011. The 42nd Plenary was held in Cork on 13th and 14th June 2011 and was the first plenary since the Irish general election of February 2011 and the appointment of Joe McHugh T.D. as the new Irish Co-Chairman of B.I.P.A.

The theme of the 42nd Plenary was "Employment and Economic Recovery" and guest speakers included An Taoiseach, Enda Kenny T.D., Frank Daly, Chairman, National Asset Management Agency, Frank Ryan, C.E.O., Enterprise Ireland and Peter Byrne, Acting C.E.O. of the British Irish Chamber of Commerce.



*Irish Co-Chair Joe McHugh T.D., An Taoiseach, Enda Kenny T.D. and British Co-Chair Lord Cope of Berkeley at the 42nd Plenary in Cork*

The 43rd Plenary was held in the Grand Hotel, Brighton, on 24th and 25th October 2011.

This agenda for the plenary was focussed on the internal work of Assembly and in establishing work programmes for the 4 Committees for the years ahead. The Assembly also heard from a number of speakers on issues relating to the banking crisis, human rights, and the law and order situation in Northern Ireland. Guest speakers at the plenary included Sally Scutt, Deputy C.E.O., British Bankers Association, Martin Howe, U.K. Bill of Rights Commission, Lord Shutt, Northern Ireland Office and David Ford M.L.A., Minister for Justice in the Northern Ireland Executive.

## 5.5 Cricket match against the States of Guernsey

Members of the States competed against their States of Guernsey colleagues on 8th July 2011 and secured a fourth successive victory, thereby retaining the Investec trophy in Jersey. Jersey batted first and got off to a slow start, being 51 for 3 after 15 overs, but then added over 120 runs in the next 15 overs, which gave a lead Guernsey could not meet.

The match was hosted by Senator Jim Perchard at his Farmer's Ground in St. Martin, and the day was accompanied by a fine spread of refreshments. The Bailiff of Jersey presented the trophy and then hosted a reception for players and guests in the Old Library before the Guernsey visitors returned home.



*Deputy F.J. Hill, B.E.M. of St. Martin, receiving the Investec trophy from Mr. Kevin Allen of Investec*

The match was a further opportunity for members of the States of both Islands to get to know each other better in an informal setting, and also allowed £350 to be raised in a raffle with the proceeds being shared between Guernsey Hospice and the Jersey Multiple Sclerosis Society.



## 6. THE STATES GREFFE



### 6.1 States Assembly Information Centre

The States Assembly Information Centre (formally ‘States Greffe Bookshop’) provides designated display areas for the work of the States Assembly, Scrutiny, the Public Accounts Committee, Comptroller and Auditor General, as well as information about the Commonwealth Parliamentary Association, Assemblée Parlementaire de la Francophonie, and various initiatives such as the Jersey Youth Assembly and Primary School visits to the Chamber.

Whilst some displays were static within the Centre, several, particularly those pertaining to the work of the States Assembly, were updated on an almost daily basis to ensure that the information on display was current, relevant and engaged the public’s interest. Staff members were also involved in the Primary School visits to the States Chamber, helping to record each meeting and assisting the children performing the role of Usher for the Assembly in delivering notes around the Chamber.

A range of quality States Assembly souvenirs is on sale in the Centre so that visitors are now able to purchase a memento of their visit to the States Chamber. The range includes a silk tie featuring the updated States crest design, pens, pencils, mugs and bookmarks. A silk scarf and set of coasters have also been produced using the parochial crest design contained within the beautiful stained glass window just outside the entrance to the States Chamber, usually only seen by States Members and staff. A mouse mat featuring the States crest was a new addition to the range in 2011.

## 6.2 Clerks' section



In brief, the functions of the Clerks' section are –

- ◆ to provide professional clerking support to the Council of Ministers, certain committees and other bodies appointed by the States, and also a number of other bodies;
- ◆ to act as liaison officers to departments, providing procedural advice in relation to the work of the States Assembly as required;
- ◆ to provide quality assurance of Ministerial Decisions, in conjunction with the Deputy Greffier of the States; and
- ◆ to edit the transcript of the proceedings of the States and to produce the States' Official Report ('Hansard').

### 6.2.1 Clerking role

The number of meetings for which a Clerk was provided in 2011 is shown in the following table –

	2009	2010	2011
Commission Amicale, <i>now defunct</i>	1	n/a	n/a
Council of Ministers	26	38	37
Criminal Injuries Compensation Board	4	5	8
Legislation Advisory Panel	5	8	3
Manual Workers' Joint Council, <i>includes 4 Disputes Committees</i>	3	6	8
Migration Advisory Group	14	8	1
Overseas Aid Commission	29	31	33
Planning Applications Panel	12	13	11
Planning and Environment Ministerial meetings	11	14	11
Privileges and Procedures Committee	47	39	35
– PPC Sub-Panel on Complaints	0	0	0
– PPC Public Elections Working Party	2	5	n/a
– PPC States Business Organisation Sub-Group	–	4	1
– PPC Media Working Party	2	3	n/a
Probation Board	6	6	6
Public Accounts Committee, <i>now sits with Scrutiny section</i>	10	n/a	n/a
States Employment Board (+ 2 Hearings)	24	15	26
Tourism Development Fund Advisory Panel	6	10	5
Civil Service Forum	1	1	1
Committee of Inquiry: Reg's Skips, including Hearings	5	20	n/a
<b>TOTAL</b>	208	225	186

In addition to acting as departmental liaison officers, members of the Clerks' section also carried out research on request, primarily on behalf of the Chief Minister's Department and the States Employment Board.

One member of the Clerks' section undertook a part-time secondment to the Communications Unit from July to December 2011. The secondment provided a beneficial development opportunity and both departments worked together throughout to ensure that staffing was effectively managed to meet the workload of each team during peak periods.

## 6.2.2 Ministerial Decisions

The Clerks provide the first-line quality assurance of Ministerial Decisions.

**1,316** Ministerial Decisions were made in 2011, and of these, 4 were signed without seeking quality assurance. In 3 cases the advice given by the States Greffe related to non-compliance with paragraph 3 of Standing Order 168, which requires 15 working days' notice to be given in advance of entering into a binding agreement for certain land transactions.

Department	Number of Ministerial Decisions		
	2009	2010	2011
Chief Minister	100	100	152
Economic Development	231	212	212
Education, Sport and Culture	23	22	39
Health and Social Services	68	71	57
Home Affairs	121	85	96
Housing	109	104	114
Planning and Environment	199	143	125
Property Holdings	94	143	148
Social Security	77	81	103
States of Jersey Police	–	–	–
Transport and Technical Services	116	133	123
Treasury and Resources	223	190	147
<b>TOTAL</b>	<b>1,361</b>	<b>1,184</b>	<b>1,316</b>

The Ministerial Decisions process using Livelink allows departmental staff to prepare decisions in draft in advance of the time that a decision needs to be made, the quality assurance process to take place, and then to place the decision before the Minister or Assistant Minister. All decisions are checked by the States Greffe within 24 hours, and usually within half a day.

## 6.2.3 Access to information

On 8th June 2004, prior to the introduction of the ministerial form of government and the provision in the States of Jersey Law 2005 to delegate decisions, the States decided to revise the Code of Practice on Public Access to Official Information to include the following paragraph –

“3.1.1(a) *an authority shall grant access to all information in its possession, and Committees of the States, and their sub-committees, shall make available before each meeting their agendas, and supplementary agendas, and grant access to all supporting papers, ensuring as far as possible that agenda support papers are prepared in a form which excludes exempt information, and shall make available the minutes of their meetings,”;*

In addition, the Greffier of the States was requested to ensure that all matters recorded in Part B minutes were properly exempt from disclosure. When providing the first-line quality assurance of Ministerial Decisions, the Clerks’ section routinely checks the application of exemptions under the Code of Conduct. A further check is then carried out by the States Greffe at the subsequent level of quality assurance.

All decisions, whether taken by the Minister or delegated by a Minister to an Assistant Minister or to an officer, remain a decision of the Minister in law. The level of recording of decisions at officer level is a matter for departments and it is not possible for matters that have not been recorded within the Ministerial Decisions process to be reviewed by the Greffe.

#### **6.2.4 Official Report (‘Hansard’)**

Since the change to ministerial government, the number of States’ meetings days has increased from 38 in 2006 to 64 in 2011. This had a corresponding impact on the Clerks, led by the Senior Clerk, who read the transcripts on their return from the transcribers and check the drafts, carrying out any necessary light editing. The Clerks can provide individual States members on request with an unedited version of extracts of the transcript if required. This usually arrives 5 working days after the meeting.

<b>Official Report</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
No. of States’ meeting days	38	43	51	60	50	64

#### **6.2.5 Elections 2011**

The Clerk’s section, in consultation with the Deputy Greffier of the States, provided support to the campaign of the Privileges and Procedures Committee to encourage Islanders to register to vote and to cast their vote in the October 2011 elections. With the support of colleagues from the Scrutiny section, the team established information stands in St. Helier and attended events in order to raise public awareness in advance of the elections. The campaign was a success, and the elections showed a significant increase in the number of people registered to vote, as well as an increase in the number of persons who voted. This is discussed in more detail in the next section.

### 6.3 Public engagement, voter registration and turnout campaign

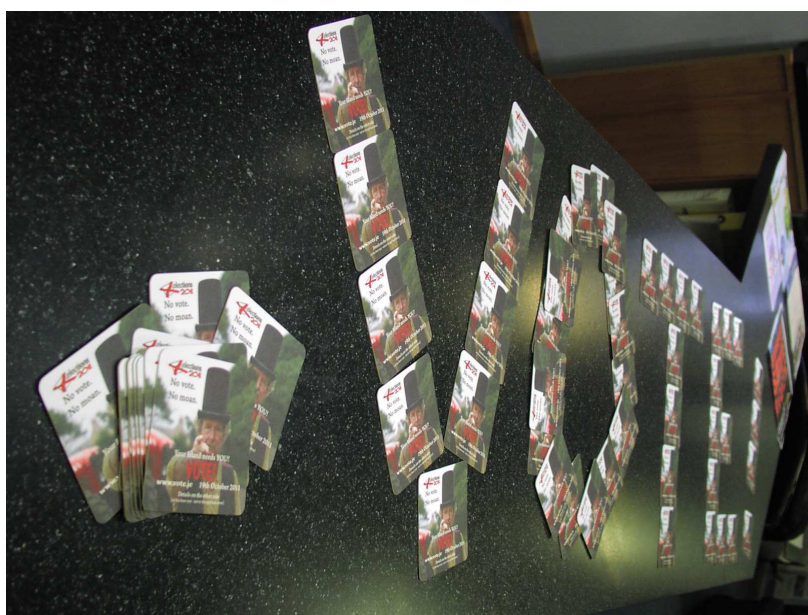


Continued efforts were made during 2011 to make the States Chamber more accessible to the public. Members of the States Greffe staff were involved with a number of secondary school visits to the Chamber, which dovetailed with the Citizenship Programme within schools (*see sections 6.9 and 6.10 below*) and also welcomed a number of other visitors, including those from the Women's Institute and a group of French students from Rennes.

During 2011, members of staff were heavily involved in the voter registration and voter turnout campaigns which culminated in the October elections. In conjunction with our agency partners, Uba Studio Limited, E-Scape and Fortress Island Films, the Project Team, headed by the Deputy Greffier of the States and comprising States Greffe staff, undertook a variety of activities to raise awareness of the campaign.

A vertical poster for the Jersey Elections 2011. At the top right are the Facebook and Twitter social media icons with the text 'Jersey Elections' below them. The main headline reads 'Don't think you do politics? Think again.' Below this, it says 'If you do care about -' followed by a list of items, each preceded by a red 'X' in a box: 'your job', 'your health', 'your home', 'your children's education', and 'and your Island'. Below the list, it says 'then why not vote!'. The date 'Election day is Wednesday 19th October 2011.' is printed in bold. Further down, it states 'Politics affects you more than you think, so make your opinion count.' and provides the website 'www.vote.je'. At the bottom left is the 'Elections 2011' logo. On the right side of the poster is a photograph of a smiling blonde woman with her arms crossed, wearing a dark blazer over a white top.

Advertising covered traditional and electronic media, from newspaper adverts to street banners and leaflets. Posters using 6 images and aspiration ‘pegs’, with a Portuguese and Polish version, were placed at various locations and festivals. We decided to commission an informative but humorous video, with a distinctly local flavour, using the infamous Jerseyman Hedley Le Maistre. We felt that this would be an innovative way to draw attention to a relatively dry subject, and it proved very popular, particularly amongst the 16–45 target age-group. A 20 second commercial was repeatedly shown on television, and an audio clip was aired on radio to entice the public to visit the [vote.je](http://vote.je) website to find out more about Hedley’s voting experience. Hedley’s image was also incorporated in a series of posters, banners and beer mats to spread the ‘No vote, no moan’ message. We also created a website providing information for voters and for candidates, and incorporating all of the strands of the campaign, most notably the Uba posters in miniature, a twitter feed, and the Hedley video. The website also included candidates’ manifestos and photos and information on Parish districts to make it very clear to a prospective voter where they were eligible to vote and the location of their polling station.



Using in-house resources we were able to prepare leaflets and additional posters to respond to information gaps that were identified as the project evolved. Documents produced in this way included – leaflets for adult readers, leaflets for persons in the 16–18 age-group, information around pre-poll voting, and foreign language information leaflets on how to complete ballot papers when voting on Election Day.

All but the largest posters were printed by the States Greffe Reprographics Unit and distributed at numerous locations Island-wide by staff after working hours. Arrangements for banners to be erected were made, both with the Transport and Technical Services Department and personally by States Greffe staff, and at any one time, up to 6 street banners were in position. These were displayed on a rota basis, so that for the most part they would remain in place for 2 weeks before being replaced with an alternative message to keep the information fresh.

States Greffe staff were also involved in manning the ‘red tent’, a gazebo used as a focus in and around town and also at the Gorey Fête. Staff held interviews with

television and radio stations and kept the media fully informed of the progress of the campaign at all times, providing additional information on request.

There was strong liaison between the activities of the States Greffe, the Judicial Greffe (which is responsible for the voting process), the secretary of the Comité des Connétables on the role of the Connétables and the parish secretaries who administered the elections in their parishes. For the last few months of the campaign, it was not an uncommon sight to see States Greffe employees erecting banners at the Beaumont Cannon, tying banners on railings, handing out flyers in various town locations and delivering posters and Hedley beer mats to businesses around the Island.

#### **6.4 States Assembly website**



During 2011, States Greffe staff worked with the Information Services Department and C5 Alliance to revamp the States Assembly website ([www.statesassembly.gov.je](http://www.statesassembly.gov.je)) and the site was re-launched on 24th November 2011. The new site offers an improved search facility and a wider range of documents and information, as well as enhanced accessibility.

#### **6.5 Publications Editor**

The Ministerial Decision system required procedural changes to be implemented to ensure that States matters were lodged with the Greffe in a timely and efficient manner. The Clerks of the States Greffe monitor the Livelink system and inform the Publications Editor of matters for lodging “au Greffe” or presentation to the States, but officers from other Departments are also required to play a more proactive role in this process. Throughout 2011, procedures were monitored and modified, where necessary, to ensure that all matters, especially Orders, were effectively processed through the Livelink system and included on the States Order Paper. Extra work did ensue at times as a result of other Departments not delivering signed Ministerial Orders to the Publications Editor in a timely manner. As the publications series of ‘Regulations and Orders’ (R&Os) must be published in strict chronological sequence of their making, any delay in the return of a signed Order may result in the need to reprint other R&Os that have subsequently been made and delivered promptly.



With the advent of the ministerial system of government, changes in Standing Orders in 2005 relating to the timescale for lodging propositions meant that instead of matters being lodged weekly, items could be lodged on a daily basis. It was originally anticipated that this would spread out the work more evenly but, in reality, there still remains a last-minute rush to lodge items on States meeting days. This consistently creates particularly busy periods for the Publications Editor. The busiest times in 2010 were before the Draft Annual Business Plan and Budget debates, as many amendments are lodged right up to the deadline; but in 2011 the most notable surge of amendments lodged were those for the debate on the 'Island Plan 2011: approval' proposition, P.48/2011, which engendered a record 74 published amendment documents (this figure includes the 16 'amendments to amendments' that were lodged as separate publications), many of which were sub-divided into further individual proposed amendments to the new Island Plan.

The Publications Editor was responsible for the production of the following publications during 2010 –

- 197 new propositions for lodging;
- 149 amendments to lodged propositions;
- 147 comments for presentation to the States in relation to lodged propositions or amendments;
- 128 of the 160 reports that were presented to the States in the 'R.' series (*the other 32 reports were delivered to the States Greffe already printed by the presenting departments*);
- 30 Laws registered in the Royal Court following adoption by the States Assembly and sanction by Her Majesty's Privy Council; and one U.K. Order in Council also published in the Laws series that was extended to Jersey by registration in the Royal Court;
- 177 R&Os (Regulations and Orders), which can be broken down into –
  - 129 Orders;
  - 2 sets of Rules made by the Courts;
  - 34 sets of Regulations, 8 Acts and 4 Amendments to Standing Orders adopted by the States.

## **6.6 Reprographics**

The section was busy during 2011 and produced a large variety of documents in black and white or colour with various binding methods, for all States Departments, ranging from Annual Reports, Business Plans, Budget Reports, Scrutiny Reports to sensitive and confidential material for the Law Officers' Department. The section is also responsible for printing States employees' business cards.

Since the demise of the Committee system there has been a reduction in the amount of agendas produced, but there were still sizeable Council of Ministers, Planning Applications Panel and Privileges and Procedures Committee agendas printed on a weekly basis, as well as various papers for all other Boards and Panels serviced by the Clerks' section.



With the Assembly's meetings lasting generally for 3 days every fortnight, the States still continued to provide the bulk of the workload for the section. The Reprographics Assistant is also responsible for compiling the log notes of each States meeting, and produced a number of CD copies of the meetings for members and the public on request.

## 6.7 Registry

The Registry section provides an organised and thorough archive of information relating to the work of the States Assembly (and its Committees and Panels), Ministerial Departments and Scrutiny. The Registry section also has responsibility for the retention and archiving of the signed copies of all Ministerial Decisions and relevant attachments. The section uploads Part 'A' (Public) Ministerial Decisions onto the gov.je website to be accessed by the public. This particular aspect of the section's responsibilities has grown since 2007 and now equates to about a fifth of their overall workload.

The screenshot shows the States of Jersey website interface. At the top, there is a red header with the logo and navigation links. Below the header, there is a search bar and a list of subjects. The main content area is titled 'Ministerial Decisions' and includes a search box and a list of latest decisions. The 'Latest ministerial decisions' section lists a decision on Social Security (General Benefit) (Amendment No. 4) (Jersey) Order 2012, with details on the decision date, department, and reference number.

During 2011, the section successfully completed a project to digitalise all of the analogue sound recordings of the States meetings dating back to August 1989. This means that digital quality CD copies of archived States meetings can now be produced when required.

The Information Manager has been the Department's representative on the gov.je website Web Content Managers Group and is also a member of the Record Managers Working Group which oversees the management of information archives across the States.

## 6.8 Staffing matters

During 2011, States Greffe staff participated in a number of 'dress-down days' and raised over £700 for various charities. Highlights in 2011 included our collection for Comic Relief when over £100 was raised and 'Movember' when Scrutiny Officer Mick Robbins grew a moustache and raised £180.



*Scrutiny Officer, Mick Robbins, showing off his 'Movember' moustache, pictured here with Belinda Pugh, the States Greffe's unofficial 'dress-down day' organiser*

In December 2011, staff also held special dress-down days to raise funds for the Jersey Society for the Prevention of Cruelty to Animals in memory of their late colleague, Kris Kelly, who died in December 2007. £140 was raised.

The Bookshop Manager, Manny Oliviera, created a vegetable soup for the December 2011 Soup Kitchen event, which was sold under the States Greffe name to raise money for the Shelter Trust for the Homeless.

## 6.9 The Youth Assembly

The fourteenth Youth Assembly was held in the States Chamber on the afternoon of Wednesday 23rd March 2011. The event, which was sponsored by the Jersey Branch of the Commonwealth Parliamentary Association, included debates on topics selected by the students, as well as a Question Time, all of which mirrored a normal States meeting. This was the fifth year in which the event was held on a Wednesday, in order to ensure that Ministers would be able to attend for Question Time (as the event had previously clashed with Council of Ministers meeting dates). All of the Island's post-16 students were represented at the Assembly.



*(Photo courtesy of the Jersey Evening Post)*

During the Assembly, which was presided over by Connétable L. Norman of St. Clement, the prospective politicians followed the same protocols as their adult counterparts. Deputy J.A. Martin of St. Helier, Assistant Minister for Health and Social Services, answered a question asked by a Hautlieu student regarding the new Hospital Managing Director's wage and a question asked by a Highlands student regarding Care leavers' legislation.



*(Photo courtesy of the Jersey Evening Post)*

Deputy I.J. Gorst of St. Clement, the Chairman of the Overseas Aid Commission, answered a question asked by a student from the Jersey College for Girls regarding Jersey's overseas aid contribution. Deputy J.G. Reed of St. Ouen, the Minister for Education, Sport and Culture, answered a question asked by a Hautlieu student regarding university costs; and Deputy E.J. Noel of St. Lawrence, Assistant Minister for Treasury and Resources, answered a question asked by a student from Highlands regarding GST on food.

Connétable J.M. Refault of St. Peter, Assistant Minister for Treasury and Resources, answered a question asked by one of the De La Salle College students regarding the Jersey Development Company. Senator B.I. Le Marquand, the Minister for Home Affairs, answered a question asked by a Jersey College for Girls student regarding common-law marriages, whilst Senator A.J.H. Maclean, the Minister for Economic Development, answered a question asked by one of the De La Salle College students regarding the impact of the arrival of Waitrose in the Island.

The Chief Minister answered questions without notice for over 15 minutes on a wide range of topics.

44 student members from the Island's sixth forms participated in the Assembly, and the young parliamentarians had worked in conjunction with their own tutors and officers of the States Greffe for several months to prepare propositions together with supporting reports in the style expected for the States. Topics covered in debate included proposals that – a student loan system should be introduced, the legal age for drinking alcohol should be increased to 21, Higher Education funding should be prioritised for high achievers, voting should be made compulsory, and a permanent Youth Assembly should be created.

## 6.10 Primary School visits to the States Chamber/Citizenship Programme

The school visit scheme, which involved all Year Five (aged 9 and 10) primary school children, from both the States-funded and private sector, ran throughout the school year and enabled each school to visit the States Chamber on a Monday morning. The children sat in the seats usually occupied by States Members and used the voting system during a mini debate on a topic of their choice. Three of the children took the rôles of the Greffier, the Dean and the Usher.

During 2011, the scheme continued to be run by the Assistant Greffier of the States, Lisa Hart, and the Cultural Development Officer, Rod McLoughlin, assisted by staff from the States Assembly Information Centre. Children received a leaflet before their visit (prepared by the Assistant Greffier and Publications Editor, incorporating photos taken by our Registry Assistant, and also using the cartoon character 'Pierre the Pigeon' created by the Assistant Greffier) which gave an overview of the work of the States. A DVD/Powerpoint presentation was also available for downloading by the schools prior to their visit, in order to prepare the children for their special meeting. The DVD provided some historical information regarding the Chamber and the evolution of the States. In addition, it highlighted the procedural aspects of a States meeting, which the children's visits mirrored as closely as possible.



During 2011, 32 Year Five classes and a total of 966 children visited the Chamber. Each child was presented with a copy of their proposition, an Order Paper, an information sheet concerning the States member whose seat they had taken, and a certificate to commemorate their involvement in the visit. The scheme aims to encourage local children to take more of an interest in how their Island is governed, and dovetails with the citizenship curriculum to promote participation in elections, especially since the reduction in the voting age to 16.

Debate topics during 2011 included the re-introduction of free school milk, banning school uniform, the creation of a theme park in the Island and the culling of seagulls! Children cited seeing the Royal Mace and pressing the voting buttons as the highlights of their visit to the Chamber (*some examples of their thank you letters are shown on the next few pages*).

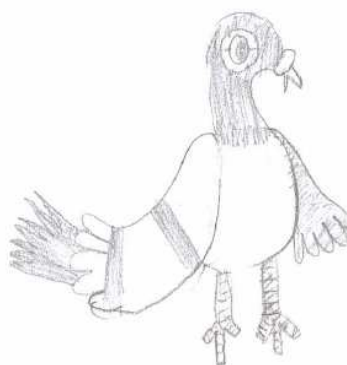
J.C.G Preparatory  
School Claremont Road  
St. Saviour  
JE2 7RT  
24.5.11

Dear Rod and Lisa

Thank you very much for giving us such a great opportunity for a really interesting visit and for telling us all about the history of the States Chamber.

I thoroughly enjoyed passing around the notes and walking through all the different rooms, although my back did hurt a bit with all the bowing.

Yours faithfully  
The Usher  
Annabel



Dear Rod and Lisa,

Thank you very much for our excellent trip to the States Chamber. I greatly enjoyed being the Greppier for our debate and many other things that we did on our visit. I will definitely be voting as soon as I turn 16 now that I know what the States of Jersey is all about!

Kind Regards

Olivia





JCG Preparatory School  
Clare Mont Road  
St. Saviour  
JEZ 7RT  
24.5.11

Dear Rod and Lisa,

Thank you so much for organising the special trip to the states chamber. I had a great time! My favourite part was when you got to press the buttons to vote. You never know I could become a politician when I am older.

Best wishes  
Senator Clara



Dear Mr McLoughlin and Mrs Hart

Thank you very much for showing us around the States Chamber on Monday and for helping us with our debate.

My favourite part was when the usher hand me my note and I read it. It said 'Brilliant speech - well done.'

I also liked it when we voted against or for extra maths. I obviously voted against!

Yours sincerely Taylor



## APPENDIX E

### MEMBERSHIP OF THE STATES ASSEMBLY ON 1st JANUARY 2011

#### (Article 2 of the States of Jersey Law 2005)

Mr. Michael Cameron St. John Birt, Bailiff, President (Appointed 9th July 2009).

His Excellency Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E., His Excellency the Lieutenant Governor (Appointed June 2006).

#### *First elected*

Senator Terence Augustine Le Sueur	15.12.87
Senator Paul Francis Routier MBE	09.12.93
Senator Philip Francis Cyril Ozouf	09.12.99
Senator Terence John Le Main	20.12.78
Senator Ben Edward Shenton	05.12.05
Senator Frederick Ellyer Cohen	05.12.05
Senator James Leslie Perchard	05.12.05
Senator Alan Breckon	09.12.93
Senator Sarah Craig Ferguson	12.12.02
Senator Alan John Henry Maclean	05.12.05
Senator Bryan Ian Le Marquand	08.12.08
Senator Francis du Heaume Le Gresley M.B.E.	18.06.10
Connétable Kenneth Priaulx Vibert of St. Ouen	10.05.94
Connétable Alan Simon Crowcroft of St. Helier	12.12.96
Connétable John Le Sueur Gallichan of Trinity	11.11.02
Connétable Daniel Joseph Murphy of Grouville	19.09.03
Connétable Michael Keith Jackson of St. Brelade	11.11.05
Connétable Silvanus Arthur Yates of St. Martin	30.06.06
Connétable Graeme Frank Butcher of St. John	08.12.06
Connétable Peter Frederick Maurice Hanning of St. Saviour	24.08.07
Connétable Leonard Norman of St. Clement	17.06.83
Connétable John Martin Refault of St. Peter	08.12.08
Connétable Deidre Wendy Mezbourian of St. Lawrence	05.12.05
Connétable Juliette Gallichan of St. Mary	05.12.05
Deputy Robert Charles Duhamel of St. Saviour No. 1	09.12.93
Deputy Frederick John Hill B.E.M of St. Martin	09.12.93
Deputy Roy George Le Hérissier of St. Saviour No. 3	09.12.99
Deputy John Benjamin Fox of St. Helier No. 3	09.12.99
Deputy Judith Ann Martin of St. Helier No. 1	05.05.00
Deputy Geoffrey Peter Southern of St. Helier No. 2	15.02.02
Deputy James Gordon Reed of St. Ouen	12.12.02
Deputy Carolyn Fiona Labey of Grouville	12.12.02
Deputy Colin Hedley Egré of St. Peter	12.12.02
Deputy Jacqueline Ann Hilton of St. Helier No. 3	12.12.02
Deputy Paul Vincent Francis Le Claire of St. Helier No. 1	09.04.99

Deputy John Alexander Nicholas Le Fondré of St. Lawrence	05.12.05
Deputy Anne Enid Pryke of Trinity	05.12.05
Deputy Sean Seamus Patrick Augustine Power of St. Brelade No. 2	05.12.05
Deputy Shona Pitman of St. Helier No. 2	05.12.05
Deputy Kevin Charles Lewis of St. Saviour No. 2	05.12.05
Deputy Ian Joseph Gorst of St. Clement	05.12.05
Deputy Philip John Rondel of St. John	08.11.94
Deputy Montfort Tadier of St. Brelade No. 2	08.12.08
Deputy Angela Elizabeth Jeune of St. Brelade No. 1	08.12.08
Deputy Daniel John Arabin Wimberley of St. Mary	08.12.08
Deputy Trevor Mark Pitman of St. Helier No. 1	08.12.08
Deputy Anne Teresa Dupré of St. Clement	08.12.08
Deputy Edward James Noel of St. Lawrence	08.12.08
Deputy Tracey Anne Vallois of St. Saviour No. 2	08.12.08
Deputy Michael Roderick Higgins of St. Helier No. 3	08.12.08
Deputy Andrew Kenneth Francis Green M.B.E. of St. Helier No. 3	08.12.08
Deputy Deborah Jane de Sousa of St. Helier No. 2	08.12.08
Deputy Jeremy Martin Maçon of St. Saviour No. 1	08.12.08

The Very Reverend Robert Frederick Key, B.A., Dean of Jersey (Appointed 6th October 2005).

Mr. Timothy John Le Cocq, Q.C., H.M. Attorney General (Appointed 10th November 2008).

Mr. Howard Sharp Q.C., H.M. Solicitor General (Appointed 8th March 2010)

### **Officers of the States**

Mr. Michael Nelson de la Haye, Greffier of the States (Appointed 5th November 2002).

Mrs. Anne Helen Harris, Deputy Greffier of the States (Appointed 5th November 2002).

Mr. Peter Alexander Noël de Gruchy, Deputy Viscount (Appointed 6th December 1996).

## APPENDIX F

### MEMBERSHIP OF THE STATES ASSEMBLY ON 31st DECEMBER 2011

#### (Article 2 of the States of Jersey Law 2005)

Mr. Michael Cameron St. John Birt, Bailiff, President (Appointed 9th July 2009).

His Excellency General Sir John McColl, K.C.B., C.B.E., D.S.O., His Excellency the Lieutenant Governor (Appointed 26th September 2011).

#### *First elected*

Senator Paul Francis Routier M.B.E.	09.12.93
Senator Philip Francis Cyril Ozouf	09.12.99
Senator Alan Breckon	09.12.93
Senator Sarah Craig Ferguson	12.12.02
Senator Alan John Henry Maclean	05.12.05
Senator Bryan Ian Le Marquand	08.12.08
Senator Francis du Heaume Le Gresley M.B.E.	18.06.10
Senator Ian Joseph Gorst	05.12.05
Senator Lyndon John Farnham	09.12.99
Senator Sir Philip Martin Bailhache	20.12.72
Connétable Alan Simon Crowcroft of St. Helier	12.12.96
Connétable John Le Sueur Gallichan of Trinity	11.11.02
Connétable Daniel Joseph Murphy of Grouville	19.09.03
Connétable Leonard Norman of St. Clement	17.06.83
Connétable John Martin Refault of St. Peter	08.12.08
Connétable Deidre Wendy Mezbourian of St. Lawrence	05.12.05
Connétable Juliette Gallichan of St. Mary	05.12.05
Connétable Philip John Rondel of St. John	08.11.94
Connétable Michael John Paddock of St. Ouen	14.11.11
Connétable Stephen William Pallett of St. Brelade	14.11.11
Connétable Michel Philip Sydney Le Troquer of St. Martin	14.11.11
Connétable Sadie Anthea Rennard of St. Saviour	14.11.11
Deputy Robert Charles Duhamel of St. Saviour No. 1	09.12.93
Deputy Roy George Le Hérissier of St. Saviour No. 3	09.12.99
Deputy Judith Ann Martin of St. Helier No. 1	05.05.00
Deputy Geoffrey Peter Southern of St. Helier No. 2	15.02.02
Deputy James Gordon Reed of St. Ouen	12.12.02
Deputy Carolyn Fiona Labey of Grouville	12.12.02
Deputy Jacqueline Ann Hilton of St. Helier No. 3	12.12.02
Deputy John Alexander Nicholas Le Fondré of St. Lawrence	05.12.05
Deputy Anne Enid Pryke of Trinity	05.12.05
Deputy Sean Seamus Patrick Augustine Power of St. Brelade No. 2	05.12.05
Deputy Shona Pitman of St. Helier No. 2	05.12.05
Deputy Kevin Charles Lewis of St. Saviour No. 2	05.12.05
Deputy Montfort Tadier of St. Brelade No. 2	08.12.08

Deputy Trevor Mark Pitman of St. Helier No. 1	08.12.08
Deputy Edward James Noel of St. Lawrence	08.12.08
Deputy Tracey Anne Vallois of St. Saviour No. 2	08.12.08
Deputy Michael Roderick Higgins of St. Helier No. 3	08.12.08
Deputy Andrew Kenneth Francis Green M.B.E. of St. Helier No. 3	08.12.08
Deputy Jeremy Martin Maçon of St. Saviour No. 1	08.12.08
Deputy Gerard Clifford Lemmens Baudains of St. Clement	11.12.98
Deputy Patrick John Dennis Ryan of St. John	12.12.02
Deputy James Patrick Gorton Baker of St. Helier No. 1	14.11.11
Deputy John Hilary Young of St. Brelade No. 1	14.11.11
Deputy Susan Jane Pinel of St. Clement	14.11.11
Deputy John Michael Le Bailly of St. Mary	14.11.11
Deputy Stephen George Luce of St. Martin	14.11.11
Deputy Roderick Gordon Bryans of St. Helier No. 2	14.11.11
Deputy Kristina Louise Moore of St. Peter	14.11.11
Deputy Richard John Rondel of St. Helier No. 3	14.11.11

The Very Reverend Robert Frederick Key, B.A., Dean of Jersey (Appointed 6th October 2005).

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