

PRIVILEGES AND PROCEDURES COMMITTEE

(14th Meeting)

31st May 2006PART A

All members were present with the exception of Senator M.E. Vibert, Deputy G.C.L. Baudains and Deputy J. Gallichan, from whom apologies had been received.

Connétable D.F. Gray of St. Clement - Chairman
 Senator S. Syvret
 Connétable K.A. Le Brun of St. Mary
 Deputy C.H. Egré

In attendance -

M.N. de la Haye, Greffier of the States
 Miss P. Horton, Clerk to the Privileges and Procedures Committee

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

- Minutes. A1. The Minutes of the meetings held on 3rd May 2006 (Part A and Part B) and 4th May 2006 (Part A only), having been previously circulated, were taken as read and were confirmed.
- Matters arising. A2. The Committee noted the following matters arising from its previous Minutes -
- (a) **Minute No. A4 of 3rd May 2006 - Estimates of the States Assembly and its services for 2007** - Deputy Egré advised the Committee that he had liaised with the Assistant Greffier of the States regarding the draft estimates, the budget had been amended to provide for any members who could be leaving the States to claim their extra month's salary although it was noted that it had not been necessary to find additional funding for this. The Committee was further advised that the Comptroller and Auditor General had not made any comments on the budget estimates; and
 - (b) **Minute No. A8 of 3rd May 2006 - Election Expenses: questionnaire** - The Committee was advised that fifteen members had so far responded to the questionnaire and provided details of the amounts they had spent on their respective election campaigns. It was requested that a reminder be sent to any members who had not replied in order to encourage more members to respond.
- Standing Order 106 - Declaration of interest. 1240/4(177) A3. The Committee noted an e-mail dated 19th May 2006 from Senator Vibert and also an e-mail dated 18th May 2006 from Deputy S.S.P.A. Power in connexion with the requirement to declare an interest during question time.
- The Committee noted that Standing Order 106(2) required a member who was asking or answering an oral question to declare an interest only if it was a financial one whereas Standing Order 106(1) which related to propositions required that a member

also had to declare an interest which was not financial. It was further noted that Standing Order 106(2) only related to oral questions and that written questions had been omitted.

The Committee considered Standing Order 106(1) and (2) and agreed that members should be required to declare an interest, including an indirect interest which would not necessarily require the member to leave the Chamber, in order that it would then be recorded in the Minutes of the States Assembly, it was further agreed that Standing Order 106(2) should be amended to mirror the same provisions as Standing Order 106(1).

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

On a related matter the Committee discussed the subject of members using their political standing to promote certain policies, developments or undertakings and then take a financial interest in such a business at a later date. The Committee considered whether provision could be made in the States of Jersey Law 2005 or the Code of Conduct for Elected Members of the States to prevent this from taking place. However, it was concluded that this may not be a feasible solution.

Standing Order
26(7) - Minimum
lodging period.
1240/4(178)

A4. The Committee considered the Standing Orders of the States of Jersey and discussed whether an amendment was needed to Standing Order 26(7) which made provision for the States to reduce a minimum period if they were of the opinion that the proposition related to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate.

The Committee noted that on two occasions recently members had agreed to a request to debate a proposition sooner than the required minimum lodging period even though the proposition did not necessarily relate to a matter of such urgency and importance that it would be 'prejudicial to Jersey to delay the debate' as required by Standing Order 26(7). It was further noted that Standing Orders did not prevent the Bailiff from allowing a request for a proposition to be debated sooner but he would normally remind the Assembly of the proviso in Standing Order 26(7).

The Committee agreed that, although it would not want to make it too easy for a matter to be taken for debate earlier, it could be beneficial to revise the wording of Standing Order 26(7) and requested the Greffier of the States to give consideration to the matter and propose an appropriate amendment to the wording of the Standing Orders for consideration at a subsequent meeting.

Review of
appointments
procedures used
by the States in
December 2005 -
summary of
comments
received from
States members.
1240/4(176)

A5. The Committee, with reference to its Minute No. A5 of 19th December 2005, considered a summary of the comments received from States members to the questionnaire on the appointments procedures used by the States in December 2005.

The Committee recalled that it had agreed to review the processes used during the first 3 meetings of the new States for the appointment of the Chief Minister, Ministers and the Chairmen and members of the various Committees and Panels. A questionnaire had been circulated to all States members requesting feedback prior to the Committee undertaking its review to see if changes were needed.

The Committee gave consideration to the responses received from States members and discussed the selection process for the appointment of Chief Minister. Members agreed that the procedure, which had included each candidate being invited to speak for 10 minutes and then a period of 40 minutes was allowed for elected members to question the candidate, had worked well. The Committee noted that some of the responses had suggested that it could be beneficial to include a period of time to

allow members to question the candidates together and the Committee agreed that allocating a set time limit for this could enhance the selection process.

The Committee discussed the selection process for Ministers. It was felt that it could be beneficial for the Chief Minister to announce his or her nominations for Ministers at the time of his or her selection as Chief Minister although it was accepted that this could not be a requirement. It was nevertheless agreed that the Chief Minister should announce his nominations in advance of the day of their appointment and the Committee agreed that a period of three clear working days before the election of Ministers took place should be allowed as this would provide time for other candidates to be nominated for appointment as a Minister. The Committee agreed that it could require Ministers to make a statement outlining their policies even if they were appointed unopposed. It was further agreed that a period of time could be allowed between the selection of Ministers and the process of appointing the Chairmen of PPC, the PAC and the scrutiny panels as it was considered that having them all on the same day had resulted in the process being rushed. When considering the appointment of members of PPC, PAC and scrutiny panels the Committee discussed introducing a single transferable vote and it was agreed that this should be looked into as a possibility for the future.

The Committee was of the opinion that overall the process had been a success, and although it was noted that many positions were not contested it was agreed that in future members would have a better idea of the procedure which should result in more contested elections.

Questions
without notice to
Ministers -
procedure.
1240/1/2(34)

A6. The Committee, with reference to its Minute No. A7 of 8th March 2006 received and considered a report dated 1st March 2006, prepared by the Greffier of the States in connexion with the period of questions without notice to Ministers.

The Committee recalled that it had been suggested by at least two members that the presiding officer should allow members asking questions without notice to follow up the initial question with a 'supplementary' question. The members concerned considered that allowing a follow up question would be a more effective way of probing and holding Ministers to account. The Committee nevertheless concluded that with a limited time of only 15 minutes available, it would be unfair to allow a member to ask what would effectively amount to 2 questions when there were other members waiting to ask questions. It could lead to bad feeling among members if only 6 or 7 members were able to ask questions during a 15 minute period.

The Committee recognised that the current procedure for questions was still relatively new and noted that recently fewer members had asked questions which had provided the opportunity for the presiding officer to allow members to ask 'supplementary' questions. However, the Committee was of the opinion that it could be beneficial to extend the time allowed and agreed that the period of questions without notice to Ministers would be extended to 20 minutes for a trial period to commence after the States summer recess with the introduction of one 'supplementary' question for each member asking a question. It was further agreed that if the full 20 minutes was not used up by the first Minister the remaining time would not be carried over to the second Minister's period.

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

On a related matter, the Committee discussed the situation whereby if a Minister was absent from the States an Assistant Minister answers questions in his or her place. It was noted that Standing Order 64(8) allowed for an Assistant Minister or another Minister who had been appointed by the Minister to answer in his or her place.

States members' social club.
1275/2(126)

A7. The Committee received and considered Minute No. 2 of 16th May 2006 of the Commonwealth Parliamentary Association Jersey Branch in connexion with the organising of social events for States members.

The Committee noted that it was being requested to discuss the best way of funding future social events possibly by proposing that a social club be formed to foster relations and encourage social interaction with Guernsey States members.

Having discussed the matter, the Committee agreed that it did not want to become involved in the establishment of a social club and was of the opinion that if a such a club were to be formed it would be appropriate for the Commonwealth Parliamentary Association to organise.

States members' remuneration - social security matters - report and proposition.
1240/3(82)

A8. The Committee, with reference to its Minute No. A12 of 3rd May 2006, received and considered a draft report and proposition entitled 'States Members' Remuneration - social security matters'.

The Committee recalled that it had agreed that it would lodge an amendment to provide that States members could be treated as 'employees' for Social Security purposes and also to rectify the current situation which allowed members who were unwell to receive Short Term Incapacity Allowance and remuneration as a member.

The Committee, having noted that the proposition addressed the two issues relating to the payment of social security contributions by elected members of the States, accordingly approved the same and requested that the proposition be referred to the Treasury and Social Security Department prior to it being lodged 'au Greffe'.

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

Social Affairs Panel - division to create a fifth scrutiny panel.
516(1)

A9. The Committee, with reference to its Minute No. A1 of 23rd May 2006, received and considered a draft proposition entitled Social Affairs Scrutiny Panel - division to create a fifth scrutiny panel.

The Committee recalled that it had agreed to request the Law Draftsman to prepare the necessary amendments to Standing Orders. The Committee, having noted that the amendments to Standing Orders had been drafted, agreed that it would not be prepared to finalise or lodge any amendments to Standing Orders prior to the Chairman's Committee's 'in principle' proposition being adopted. The Committee was of the view that the fifth panel should not be formally created until after the necessary funds for its future existence had been voted by the States in the Annual Business Plan debate in September.

The Committee agreed that if the proposition of the Chairman's Committee was adopted it would finalise and lodge the necessary amendments to Standing Orders. It would also lodge an amendment to the Annual Business Plan to obtain the necessary funding. The Committee was of the opinion that the debate on the Standing Orders should not take place until after the Annual Business Plan as it was not considered to be realistic to establish an extra panel until after the States agreed the necessary funds for 2007.

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

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

Matters for information.

A10. The Committee noted the following matters for information -

- (a) correspondence sent to the Chief Minister regarding the Appointment of States members to public bodies etc.;
- (b) a memorandum, dated 4th May 2006, sent to the Bailiff regarding Assistant Ministers answering questions in the Assembly;
- (c) correspondence, dated 4th May 2006, sent to the President of the Chairman's Committee regarding the Code of Practice for Scrutiny;
- (d) correspondence, dated 22nd May 2006, received from the President of the Chairman's Committee regarding the Code of Practice for Scrutiny and PAC;
- (e) correspondence, dated 15th May 2006, sent to Communicate Research Limited regarding the Opinion Survey in Jersey on electoral reform;
- (f) correspondence, dated 15th May 2006, sent to the Director of First Research Limited regarding the Opinion Survey in Jersey on electoral reform;
- (g) correspondence, dated 15th May 2006, sent to the Comité des Connétables regarding the Electoral Register;
- (h) correspondence, dated 12th April 2006, received from the Jersey Financial Services Commission regarding the Electoral Register;
- (i) correspondence, dated 16th May 2006, sent to all members of the States regarding the Submission of oral questions with notice;
- (j) correspondence, dated 16th May 2006, sent to all members of the States regarding the Election Expenses Questionnaire; and
- (k) the Committee confirmed that its next meeting would be held on Wednesday 28th June 2006, commencing at 9.45 a.m. in the Le Capelain Room, States Building, Royal Square.