

PM/SB/241

PRIVILEGES AND PROCEDURES COMMITTEE

(6th Meeting)

21st August 2018**PART A (Non-Exempt)**

All members were present, with the exception of Connétable A.S. Crowcroft of St. Helier, Connétable C.H. Taylor of St. John and Deputy J.M. Macon of St. Saviour, from whom apologies for absence had been received.

Deputy R. Labey of St. Helier, Chairman
 Deputy S.M. Wickenden of St. Helier
 Deputy M.R. Le Hegarat of St. Helier
 Deputy C.S. Alves of St. Helier

In attendance -

L.M. Hart, Deputy Greffier of the States
 W. Millow, Assistant Greffier of the States
 P. Monamy, Senior Committee Clerk

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

Minutes. A1. The Minutes of the meetings held on 28th June 2018 (Part A and Part B), 17th July 2018 (Part A and Part B), 31st July 2018 (Part A and Part B), 6th August 2018 (Part A only) and 7th August 2018 (Part A only), having been previously circulated, were taken as read and were confirmed.

States Assembly: forthcoming business for debate. A2. The Committee received the list of forthcoming business for debate by the States Assembly at its next 2 meetings, to be held on 11th and 25th September 2018 respectively and decided that it wished to comment on the following proposition –

465/1(210) P.96/2018: ‘Public impact of propositions: amendment to standing orders’ (P.96/2018 - lodged ‘au Greffe’ on 3rd August by Deputy G.C.U. Guida of St. Lawrence). (*see Minute No. A3 of this meeting*).

With regard principally to the Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 6) (Jersey) Regulations 201- (P.93/2018 – lodged ‘au Greffe’ on 20th July 2018 by the Minister for the Environment), but also with reference to draft Regulations generally which sought to amend principal Laws, the Committee considered it to be unsatisfactory that reference could be made in a brief report accompanying the draft legislation to the existence of ‘scientific evidence’ and discussions having taken place for which no evidence was provided to the States Assembly. The Committee decided that it wished to comment on the matter in appropriate terms and requested the Deputy Greffier of the States to prepare a draft for its consideration.

The Committee recognised that P.100/2018 – ‘Rejection of Planning Application relating to Retreat Farm, La Rue de la Frontiere, St. Mary and Rue des Varvots, St. Lawrence: rescindment of Ministerial Decision’, presently set down for debate on 25th September 2018, would be unable to proceed on that date as court action had now been initiated by the property owner concerned.

Public impact of propositions: proposed amendment to Standing Orders' (P.96/2018) – comment. 450/99/2(5)

A3. The Committee considered a draft comment, prepared by the Greffier of the States, relating to a proposition entitled: 'Public impact of propositions: amendment to standing orders' (P.96/2018 - lodged 'au Greffe' on 3rd August by Deputy G.C.U. Guida of St. Lawrence).

The Committee noted that the proposition rightly emphasised that States members had a responsibility to think through the full implications and costs of any proposition they brought before the States. However, it was considered that codifying such responsibility in a Standing Order was fraught with difficulty.

The Committee further noted that amendments to the proposition had subsequently been lodged 'au Greffe' by -

- (1) Deputy S.M. Wickenden of St. Helier - seeking to limit the proposition to apply principally to Ministers and Assistant Ministers, as he considered that it was usually a Ministerial decision to bring forward projects to change legislation (although it was also recognised that this was sometimes initiated by a Committee), whereas backbench Members of the States usually requested the appropriate Minister to bring forward such changes; and
- (2) Senator S.C. Ferguson – seeking to bring some practicality around the feasibility of policing or enforcing proposals initiated by members.

The Committee considered that properly quantifying all of the various economic effects, in the absence of clear and robust methodology, would be extremely difficult if not impossible for States departments to achieve and would be completely beyond the means of a backbench member, even with the assistance of the States Greffe. The Committee considered that such statements would not be objective: they would be a facet of the argument for the change being proposed and, as such, were likely to add little of value to the debate. The Committee decided that it would not seek to present comments relating to the 2 amendments as it considered its response to the main proposition to be sufficiently robust.

The Committee accordingly approved its comment on P.96/2018 and directed the Greffier of the States to arrange for its presentation to the States.

Matters arising: updates. 1240/13(105)

A4. The Committee received an oral report from the Deputy Greffier of the States regarding –

- (a) **E-Petitions** (Minute No. B5 of 17th July 2018 of the Committee referred): the electronic system for initiating e-petitions was now live, although some teething problems with the identification of Jersey I.P. (internet provider) addresses had been experienced and were being addressed. It was confirmed that once an e-petition had gained 1,000 signatures and had been submitted to the relevant Minister, a response should then be provided within 21 working days (which it was noted was the same period under the e-petitions system in operation in the United Kingdom);

424/99/1/1(7)
+ (8)

- (b) **'People Directory'**: The Committee received an oral update regarding the work of its Sub-Committee considering the Commonwealth Parliamentary Association Electoral Observers' Report (the Report) compiled after this year's elections. The Committee recalled that in order to comply with the Venice Commission standards, it was necessary to

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ensure that any changes to election related legislation was made well in advance of the next elections in 2022 and certainly not within 12 months of that event. Therefore it was imperative that any work undertaken was completed in the next 2 years, so that changes to the relevant legislation could be taken through the Assembly in good time. It was noted that Recommendations 5 and 6 of the Report were intrinsically linked to the introduction of the 'People's Directory' which it was understood had been due to go live this year but had yet to reach fruition. This was seen as an integral part of the improvements needed to the electoral system, given that a centralised digital register would remove several layers of complexity from the existing process and allow voting to take place in a wider range of public venues. The Committee agreed that it was essential there was some certainty that a sufficiently robust system would be in place for 2022, otherwise alternative amendments to the existing Law would need to be considered, in order to facilitate easier access to the registration and voting process. The Chairman agreed to write to the Chief Minister to ascertain what progress had been made to date;

1497/99(1)

- (c) **Commissioner for Standards**: Mr. P. Kernaghan, the Commissioner for Standards, had offered a number of dates in September 2018 when he would be available to meet the Committee in order to discuss his report on the complaint against Deputy M.R. Higgins. The Committee agreed that it would be desirable to use the opportunity of the Commissioner's visit to discuss matters of interest generally, and also to allow an opportunity for the Commissioner to meet other Members of the States, as well as the Chief Minister - Senator J.A.N. Le Fondré having expressed an interest in meeting him. The Chairman suggested that, rather than arranging to meet the Commissioner during a States lunchtime recess, it would be preferable for a separate date to be set aside for his visit, with Thursday 27th September 2018 – although scheduled as a potential States continuation day - appearing to be mutually convenient. The Deputy Greffier of the States was asked to ascertain the Chief Minister's availability on that date and to make the necessary arrangements for the visit; and

424/99/1/1(9)

- (d) **Sub-Committee membership**: The Chairman advised the Committee that he had spoken earlier that day with the Chairman of the Comité des Connétables and wished to respond formally to her letter of 27 July 2018 offering support on the Sub-Committee. The Committee agreed that, whilst it would seek the input of the Comité, it was not recruiting any additional members to the Sub-Committee. The Deputy Greffier of the States was directed to prepare an appropriately drafted response accordingly.