

STATES OF JERSEY

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STATES ASSEMBLY: IMPROVING EFFICIENCY

**Lodged au Greffe on 27th April 2004
by the Privileges and Procedures Committee**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to suspend Standing Orders as required with immediate effect to enable the following measures to be trialled for the period ending on 31st October 2004 –
 - (i) the introduction of a revised system of questions and answers in the Assembly as set out in Appendix A to the report of the Privileges and Procedures Committee dated 21st April 2004;
 - (ii) the introduction of a proposition to enable the closure of debates as follows –

“PROPOSITION FOR THE CLOSURE OF A DEBATE

- (1) *After a proposition or amendment has been debated for not less than one hour, any member may propose “that the question be now put”, and the Bailiff, unless it appears to him that the proposition is an abuse of the procedure of the States or an infringement of the rights of the minority, shall put the matter to the Assembly forthwith without amendment or debate, and if the proposition is carried the Bailiff shall invite the proposer of the proposition being debated to sum up.*
 - (2) *If the proposition “that the question be now put” is rejected no similar proposition shall be proposed until at least one further hour has elapsed and no member who has moved such a proposition shall be entitled to move any similar proposition during the same debate.”*
- (b) to agree that, when a proposition lodged ‘au Greffe’ is referred to a Committee for a report, or requires such a report pursuant to any statutory provision before it can be considered, the report of the relevant Committee shall be presented to the States no later than 2 months after the proposition is lodged;
 - (c) to request the Privileges and Procedures Committee to monitor the operation of the trials set out in paragraph (a) above and to report to the States no later than 31st October 2004 with recommendations.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

In 2003 the Privileges and Procedures Committee established a Working Party on the Arrangement of Public Business to make recommendations on ways in which the States could improve the efficiency and effectiveness of the manner in which the Assembly conducts its business. The terms of reference of the Working Party are as follows –

- To review the management of public business in the States Assembly and to bring forward recommendations for change with a view to ensuring that public business is dispatched in a timely and efficient manner and that improved liaison exists between the Greffier of the States and Committees as to the future legislation programme;
- To examine the advantages and disadvantages of setting up a Business Committee, or Parliamentary Bureau, to be responsible for the regular forward planning of public business, and if considered appropriate, to bring forward recommendations for the establishment of a Parliamentary Bureau for Jersey; and
- To review current procedures relating to question time and to bring forward recommendations to improve the current system whilst safeguarding the proper place of questions in the Assembly.

The Working Party was reconstituted in March 2004 under the chairmanship of Deputy Peter Troy and has now made initial recommendations that are reflected in this report. The Working Party is continuing its work in accordance with its terms of reference and it is anticipated that other recommendations will be brought forward in due course.

At its meeting of 23rd April 2004 the Privileges and Procedures Committee agreed that, although its members were not unanimous in their support for all the measures being proposed, the recommendations should be placed before the States by the Committee to enable members to consider them.

Paragraph (a)(i) – Question Time

The Working Party considers that the present arrangements on question time in the States should be changed for a trial period ending on 31st October 2004. The Working Party recognises the importance of questions as a method of seeking action and information as well as holding Presidents to account but does not believe that the present system is operating effectively. There has, of course, been a significant increase in the number of sets of questions in recent years, as follows –

Year	No. of Sets of Questions
2000	135
2001	149
2002	176
2003	226

Although concerns have been expressed about the amount of time spent on questions, and the number of questions asked, it is considered that there are other disadvantages of the present system. These include the fact that lengthy questions seeking detailed statistical information are asked orally and, in addition, because Presidents have several days notice of all questions, it is not felt that the present system is an effective way of holding them to account and ascertaining whether they are fully aware of all matters being dealt with by their Committees.

The Working Party is aware that in the majority of Parliaments questions can be tabled for either an oral or written answer. In addition it is normal for there to be a time limit for the asking of oral questions.

The Working Party recommends that a system of oral and written questions should be trialled until the end of October 2004. At the end of the trial members would be able to consider whether the new procedures should be made permanent or whether an alternative system should be trialled. If the trial was totally unsatisfactory the

States could, of course, simply revert to the present system.

Oral questions

The Working Party recommends that a system of truly oral questions should be introduced for each States meeting. Notice of these questions would be given to the Greffier no later than 12 noon on the Friday preceding the States meeting. This would allow for more topical questions to be asked than is possible under the present system where questions must be submitted to the Greffier one week before each States meeting. (This notice period is considered to be the minimum practicable period possible.)

Each member would be allowed to submit no more than 2 oral questions per meeting and each one would be limited to a maximum of 60 words. The Working Party believes this will be adequate for a member to cover a subject and, as an example, the following question is 60 words long—

In light of the significant deficit that has been forecast, would the President inform members whether the Committee has considered the introduction of tax on bicycles and skateboards and, if so, would he inform members how much revenue these measures will raise, when they can be introduced and how many additional employees will be needed to administer the new taxes?

All questions would remain subject to the present rules on admissibility of questions contained in Standing Order 13.

Once the noon deadline had passed the Greffier would draw lots and place the questions on a Notice of Oral Questions sheet in the order resulting from the ballot. If one or more identical or very similar questions were submitted only the first one received would be placed in the ballot. This Notice of Questions sheet would be circulated to all members, relevant chief officers and the media on the Friday afternoon.

If a member asking a question was dissatisfied with the place his or her question had obtained in the ballot he or she could apply to the Bailiff by close of business on the day preceding the States meeting to request that the question be moved to a higher place on the list. The Bailiff would have discretion to accede to any such request if, in his opinion, the question was sufficiently important or topical to justify a higher position on the list.

The procedure for answering oral questions in the States would be as follows. After the question had been asked, the Committee President concerned would give an oral answer. The President would be required to give a concise answer normally expected to last no more than one minute. No written version of this answer would be produced (as is currently the case with supplementary questions) although this would, of course, change if the trial was continued after the introduction of a Hansard service.

After the President's initial answer the Bailiff would allow supplementary questions. The member asking the question would be allowed to ask the first supplementary question if he or she wished to do so. Supplementary questions would be allowed if they were related to the subject matter of the question but would not be confined to an 'elucidation of the answer' as at present. As a result a question about a residents' parking scheme could, for example, lead to supplementary questions about parking policy in general and a question about income tax could lead to supplementary questions about taxation policies in general.

The Bailiff would indicate when he believed that sufficient time had been allowed for supplementary questions and the Assembly would move to the next question. Each question and supplementaries would not be expected to last more than 5 or 6 minutes unless the subject matter was clearly of great topical interest or of significant importance.

The oral question period would be terminated after one hour if it was not already finished.

If there were any oral questions remaining unanswered at the end of the one hour period the member who had tabled the question would have 3 options— (i) to allow the question to fall away; (ii) to resubmit the question for the next meeting as an oral question (in which case it would once again take its chance in the ballot); or (iii) to request that it be treated as a written question (see below). Alternatively the President might, of course, indicate

that he or she was willing to provide an answer by letter or e-mail, particularly if a draft answer had already been prepared.

Urgent questions

The Working Party believes that the present provisions on urgent questions should be retained during the trial period. These are currently found in Standing Order 12(2) and allow a member to apply to the Bailiff at any time up to 30 minutes before the start of a States meeting for leave to ask an urgent question about a matter of public importance. Although such questions are only asked infrequently the Working Party believes it is important to retain this facility in case a significant matter of public importance arises after the Friday noon deadline.

Written questions

In order to protect the ability of members to table questions requiring a significant amount of detailed information such as statistical information the Working Party recommends that a system of written answers should be trialled alongside the oral questions.

Notice of written questions would need to be given to the Greffier at least 6 clear days (excluding Saturdays Sundays and public holidays) before the States meeting when the answer would be tabled. In practice this would mean that notice would have to be given to the Greffier no later than close of business on Friday in the week preceding the week preceding a States meeting.

As with oral questions all written questions would remain subject to the rules on admissibility of questions contained in Standing Order 13. They would be sent to the President and chief officer as soon as possible.

Written questions due to be answered on a Tuesday would be listed on the principal Order Paper on the preceding Thursday as at present. The written answers would then be distributed to all members and to the media at the start of the States meeting. The full text of the questions and answer would be recorded in the States Minutes and on the States Assembly website. Details of answers would not be released to the media before they had been distributed to States members. Although it would not be possible for supplementary questions to be asked on written answers it would, of course, be open to any member to table further oral or written questions to elucidate the answer given.

Conclusion

The Working Party wishes to stress that it is not simply recommending the above changes because of comments made by some members that question time is currently taking too long. That in itself would not be sufficient reason to suggest a trial of the type being proposed. The proposals are being made because the Working Party believes that they would reinvigorate question time and create a more interesting and meaningful framework for seeking information and holding Presidents to account. In addition the revised system may encourage a greater number of members to ask questions as the Working Party is aware that some members are currently reticent to submit questions as they do not wish to add further to the length of question time.

The proposals to have an hour period of oral questions on a range of subjects will require Presidents who are facing questions to be well briefed before each States meeting. The Bailiff has been consulted about the proposals and has indicated that, if the States agree to trial the new system, he will be prepared to allow wide-ranging supplementary questions providing that they relate in general terms to the subject matter of the initial question. The Working Party believes that this would go some way towards creating a form of 'questions without notice' for Presidents which is a form of questioning which some members have suggested could be adopted in Jersey after the introduction of the ministerial system.

The proposals on written questions would allow members to retain the ability to seek detailed responses from Committees on matters that could not be covered in brief oral questions. The deadline for reply at a meeting of the States will ensure that members are able to receive answers on a definite date and in a timely fashion although the slightly longer notice period will hopefully assist Committees and Departments who, on occasions, have to prepare extremely lengthy and complex answers at very short notice. The fact that the written questions will not

be read out at a States meeting will also allow slightly greater flexibility in the drafting of the questions as, at present, the inclusion of lengthy preambles or background information in questions is discouraged because of the time taken to read out such material. This would not be a problem in the new proposed trial system.

The Working Party is convinced that written answers would be given due prominence in the local media if they contained material of interest. In addition, members receiving answers would be able to take steps to publicise the content of the answer themselves.

The Working Party believes that it is only through a trial that the proposals can be put to the test. If the trial proves to be unsuccessful the States can, of course, simply decide to revert to the present system or trial alternative proposals.

Paragraph (a)(ii) – Proposition to close a debate

The Working Party considered whether it was feasible to introduce time limits on debates or on individual members' speeches but rejected these options. Nevertheless the Working Party believes that a 'closure motion' similar to those that are widely used in other jurisdictions should be trialled until 31st October 2003. Examples of such motions as used in other jurisdictions are set out for information in Appendix B.

The Working Party believes that there are occasions when a debate is unduly prolonged when it is clear that the main arguments have been extensively rehearsed and further debate is unlikely to alter the final result. This measure would allow any member, provided that at least one hour had elapsed since the start of the debate, to propose that the debate be closed and, unless the Bailiff considered that the proposition was an abuse of the procedure of the States or an infringement of the rights of the minority, the matter would be put to the vote. If carried the proposer would be invited to sum up and the final vote would be taken. The closure proposition could be moved during any debate and if, for example, it was moved and carried during the debate on an amendment the debate on the substantive proposition itself would continue in the usual way after the vote on the amendment has been taken. If the closure proposition was rejected it could not be proposed again until a further hour had elapsed.

Paragraph (b) – Reports to be presented within 2 months

This proposal is hopefully self-explanatory. The Working Party does not believe it is conducive to the orderly planning of States' business when propositions remain without a date fixed for debate for many months. This often arises because Committees and individual members who have lodged propositions are waiting for a report from a Committee and such reports are sometimes not produced until the matter is brought to a head by the fixing of a date for debate by the States. This paragraph, if adopted, would require Committees to present their report or comments on any proposition referred to them within a maximum of 2 months. The same 2 month deadline would also apply to propositions that must be referred to Committees in accordance with the provisions of Standing Orders or the Public Finances Rules.

Paragraph (c)

This paragraph will require the Privileges and Procedures Committee to monitor the operation of the trial period and report to the States with recommendations. The Working Party believes that this monitoring should be done in full consultation with all members so that the decision on whether or not to recommend to the States that the trials should be extended would be taken after all members' views had been taken into consideration.

Financial and manpower implications

There are no additional financial or manpower implications arising from this proposition which the Working Party believes will go some way towards improving the efficiency of the manner in which States members conduct their affairs.

21st April 2004

QUESTIONS AND ANSWERS

The following procedures on questions will be used during a trial period ending on 31st October 2004. The rules in Standing Order 11 on the Nature of Questions and in Standing Order 13(1) on the Contents of Questions will continue to apply during the trial and all questions will remain subject to formal approval by the Bailiff.

ORAL QUESTIONS

Notice of oral questions

- (1) Notice of questions for oral answer must be given to the Greffier no later than noon on the Friday preceding the States meeting at which they are to be answered. No member shall be permitted to submit more than 2 questions for oral answer and each such question shall be limited to a maximum of 60 words.
- (2) After the deadline for submission of oral questions has passed the Greffier, in the presence of one other person, will draw lots between all questions submitted and enter the questions on a Notice of Oral Questions sheet in the order resulting from the ballot. This sheet will be circulated to all members as soon as it has been prepared.
- (3) No later than 5 p.m. on the day preceding the States meeting at which the question for oral answer is to be answered any member with a question listed for oral answer may apply to the Bailiff to request that the question be moved to a higher place on the list and the Bailiff, if he is of the opinion that the request is justified, shall indicate where the question should be placed in the order.

Manner of asking and answering oral questions

- (4) After the Bailiff has called on the member asking an oral question to ask his or her question the member to whom the question is addressed shall give a concise answer.
- (5) After the answer has been given members may ask supplementary questions relating to the subject matter of the question.
- (6) When the Bailiff considers that sufficient time has been allowed for supplementary questions he shall call the next question listed for oral answer.
- (7) The period allowed for oral questions shall be no more than one hour at any meeting of the States and any questions remaining unanswered at the conclusion of that period shall not receive an oral answer.

URGENT ORAL QUESTIONS WITHOUT NOTICE

- (8) No oral question shall be asked without notice unless in the opinion of the Bailiff it relates to an urgent unforeseen matter of public importance and the leave of the Bailiff to ask it has been sought not less than 30 minutes before the beginning of the meeting.

WRITTEN QUESTIONS

Notice of written questions

- (1) Notice of questions for written answer must be given to the Greffier at least 6 days (excluding Saturdays, Sundays and public holidays) before the meeting at which the written answer is to be tabled.
- (2) The text of all written questions shall be printed on the principal Order Paper for the meeting at which the answer is due to be tabled.

- (3) The full text of the written answer shall be distributed to all members before the start of the meeting at which the answer is tabled and the answer shall also be made available on the States Assembly website on that day. The full text of written questions and answers will be included in the States Minutes.
- (4) No discussion or supplementary questions will be permitted in the Assembly on the content of any written answer.

EXAMPLES OF CLOSURE MOTIONS IN OTHER JURISDICTIONS

Guernsey – Rules of Procedures that came into force on 21st April 2004

Closure and voting

14(1) A Member may at any time (but without interrupting another Member who is addressing the Meeting) request the Presiding Officer to close a debate on any matter (including an amendment or a sursis); neither the member making that request nor any other may address the meeting about it. The Presiding Officer shall immediately put the said request to the vote and if two-thirds or more of the Members voting support it then (except that the Minister of the Treasury and Resources Department shall be entitled to comment on any financial implications, if he has not already done so, and subject to Rules 12(1), 13(7), 17(3) and 17(4)^[1]) the debate shall be closed, and (subject to Rule 15^[2]) the matter shall be put to the vote.

Scottish Parliament

Rule 8.14 Motions for closure of a debate

1. Where time has been allocated for a debate (whether by the Presiding Officer or in the daily business list) the debate shall, subject to paragraphs 2 and 3, be closed when the time allocated has been exhausted.
2. A member may, by motion without notice, propose that a debate be closed earlier than the end of the period of time allocated for that debate. Such a motion may be taken only with the agreement of the Presiding Officer. If the motion is agreed to, the debate shall be closed at the time proposed. If the motion is not agreed to, the same or a similar motion may not be moved again during that debate.
3. Any member may, by motion without notice, propose that a debate be extended for up to 30 minutes beyond the end of the period of time allocated for that debate. Such a motion may be taken only with the agreement of the Presiding Officer. If the motion is agreed to, the debate shall be extended by the period of time proposed. If the motion is not agreed to, the same or a similar motion may not be moved again during that debate.
4. If a debate is closed or extended under this Rule the Presiding Officer shall make any necessary alteration to the daily business list. Members shall be notified of any such alteration.

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National Assembly for Wales

6.17 At any time after a motion or an amendment has been proposed, a Member may propose that it should be voted on immediately; but the Presiding Officer shall put that proposition (which shall not be the subject of debate) to the vote only if at least 10 Members express support; and if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or an infringement of the rights of minorities in the Assembly.

New Zealand – House of Representatives

CLOSURE OF DEBATE

138 Closure

(1) After a question has been proposed, any member, on being called to speak to that question, may move, "That the question be now put". In all cases the speech of the member lapses on the moving of the closure motion.

(2) The Speaker may not accept a closure motion if the time for the debate is prescribed by the Standing Orders or by a determination of the Business Committee.

(3) The Speaker may accept a closure motion if, in the Speaker's opinion, it is reasonable to do so.

(4) A temporary Speaker or, in committee, a temporary chairperson may not accept a closure motion.

139 Acceptance of closure motion

If the Speaker accepts a closure motion, a question is put on the closure and decided without amendment or debate.

140 Effect of carrying of closure

(1) When the question for the closure is agreed to, the question under debate is put without further amendment or debate.

Malta – House of Representatives

16.(1) After a question has been proposed and debated for not less than an hour a Member may claim to move "that the question be now put", and, unless it shall appear to the Chair that such motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith and decided without amendment or debate.

U.K. – House of Commons

36.—(1) After a question has been proposed a Member rising in his place may claim to move 'That the question be now put,' and, unless it shall appear to the chair that such motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question 'That the question be now put,' shall be put forthwith. Closure of debate.

(2) When a question 'That the question be now put' has been decided in the affirmative, and the question consequent thereon has been decided, a Member may claim that any further question be put which may be requisite to bring to a decision any question already proposed from the chair, and if the assent of the chair, as aforesaid, be not withheld, any question so claimed shall be put forthwith.

(3) This order shall apply in committee only when the Chairman of Ways and Means or either Deputy Chairman is in the chair.

37. If a division be held upon a question for the closure of debate under Standing Order No. 36 (Closure of debate) or for the proposal of the question under Standing Order No. 29 (Powers of chair to propose question), that question shall not be decided in the affirmative unless it appears by the numbers declared from the chair that not fewer than one hundred Members voted in the majority in support of the motion. Majority for closure or for proposal

Canada – Legislative Assembly of Ontario

Motion for closure

47. A motion for closure, which may be moved without notice, until it is decided shall preclude all amendment of the main question, and shall be in the following words:--"That this question be now put". Unless it appears to the Speaker that such motion is an abuse of the Standing Orders of the House or an infringement of the rights of the minority, the question shall be put forthwith and decided without amendment or debate. If a motion for closure is resolved in the affirmative, the original question shall be put forthwith and decided without amendment or debate.

[1] *Rules 12(1), 13(7), 17(3) and 17(4) refer to right of proposer to reply.*

[2] *Rule 15 refers to the ability of the Presiding Officer to defer a vote on a taxation measure which is not supported by the Minister of the Treasury and Resources Department to allow the views of that Department to be heard by the States.*