

PRIVILEGES AND PROCEDURES COMMITTEE

(1st Meeting)

23rd January 2009**PART A**

All members were present, with the exception of Senator B.I. Le Marquand, from whom apologies had been received. Deputy J.A. Martin was not present for Item Nos. A1, A3, A4, A5 and A6.

Connétable J Gallichan of St Mary, Chairman
 Deputy C.H. Egré
 Deputy J.B. Fox
 Deputy M.R. Higgins
 Deputy J.A. Martin
 Deputy M. Tadier

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 Miss A-C. Heuston, Clerk to the Privileges and Procedures Committee

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

Minutes.

A1. The Minutes of 1st December 2008 (Part A and Part B), 3rd December (Part A only) and 4th December (Part A only), having been previously circulated, were taken as read and were confirmed.

The Committee noted that the above Minutes should have been signed prior to the re-constitution of the Committee on 16th December 2008.

Appointment of Vice Chairman.

A2. Deputies C.H. Egré and M. Tadier were nominated for the position of Vice Chairman - Deputy Egré by the Chairman, and Deputy Tadier by Deputy M.R. Higgins. Deputy Tadier withdrew his nomination, and Deputy Egré was duly elected as Vice Chairman of the Committee.

Meeting dates.

A3. The Committee approved meeting dates for 2009 as follows -

6th February	17th July
27th February	11th September
13th March	25th September
27th March	9th October
1st May	23rd October
15th May	6th November
5th June	20th November
19th June	4th December
3rd July	

Committee work programme.

A4. The Committee received a report from the Greffier of the States concerning its possible work programme. The Committee noted its terms of reference as set out in

Standing Order 128 of the Standing Orders of the States of Jersey and agreed that it was minded to consider the following matters when designing its work programme –

- (a) the composition and practices of the Assembly and the need for them to be kept under review;
- (b) the conduct of elections, including any issues arising following the elections of 2008, and the matter of permanent legislation for election expenses;
- (c) the allocation of funding to the Scrutiny function;
- (d) whether any further review of facilities for States members would be appropriate;
- (e) legal representation for individual members of the States;
- (f) the recommendations of the States Members Remuneration Review Body;
- (g) matters arising under the Code of Conduct for Elected Members of the States;
- (h) the provision of information to the public and the Committee's role in this regard;
- (i) freedom of information matters;
- (j) production of an annual report on the work of the States; and
- (k) the work of the States of Jersey Complaints Panel.

In relation to items (a) and (b), it was agreed that early consideration should be given to the composition and election of the States and that the Greffier should prepare a bundle of papers to show the work undertaken by the previous Committee on the subject. Consideration would then be given to whether further amendments may be required to the Public Elections (Jersey) Law 2002.

It was agreed that the Committee should ask H.M. Attorney General whether enquiries were on-going in relation to postal voting during the elections in the autumn of 2008.

Consideration was also given to the use of candidates' full names during the elections process, and whether Jersey should introduce a similar format to that used in Guernsey, whereby the candidate's full name would appear on the ballot paper, as well as the name by which they were 'commonly known'. The Committee also agreed that consideration should be given to the provision and convenience of polling stations for voters.

It was agreed that the Chairman should write to the Deputy Judicial Greffier to invite a representative of the Judiciary to attend a meeting of the Committee to discuss matters arising in relation to public elections. The Committee Clerk was directed to take the necessary action.

It was agreed that the triennial regulations governing election expenses – the Public Elections (Expenditure and Donations) (Jersey) Regulations 2008 – be replaced by primary law prior to their expiry.

With regard to item (c), it was noted by the Committee that the Chairmen's Committee was going trial the use of a centralised budget for Scrutiny following the reconstitution of the Scrutiny panels in December 2008.

With regard to item (d) concerning Members' facilities, it was agreed that the lighting in the States Chamber could be improved and peripheral noise, including the slamming of doors, reduced. It was also considered that the security of the States Building could be examined.

Draft Freedom of Information (Jersey) Law 200-. 670(1) D.G.O.S.

A5. The Committee, with reference to Minute No. B1 of 8th October 2008 of the Committee as previously constituted, received a report on the Draft Freedom of Information Law 200- and noted that the Bailiff of Jersey, in his capacity as Chief Judge, and H.M. Attorney General, would attend its meeting of 27th February 2009.

The Committee noted that the Bailiff and Attorney General would attend to discuss the suggestion, put forward by the Committee as previously constituted, that an administrative division of the Royal Court might be an appropriate way forward for appeals against decisions of Ministers and others under the Freedom of Information Law.

It was agreed that the Deputy Greffier of the States would prepare a bundle of key documents relating to the development of a Law, and any other documents considered to be of direct relevance or interest to Members in relation to Freedom of Information, in advance of the Committee's meeting of 27th February 2009.

Machinery of Government review. 465/1(91)

A6. The Committee, with reference to Minute No. A2(b) of 12th November 2008 of the Committee as previously constituted, received a draft final report summarising the actions arising following the Machinery of Government Review (R.105/2007 refers).

The Committee considered whether all of the views expressed on the recommendations by the Council of Ministers, Privileges and Procedures Committee, Chairmen's Committee, Scrutiny Panels and Public Accounts Committee, continued to stand following their re-constitution. It was therefore agreed that the report should state that it was a record of actions taken by those bodies as constituted up until early December 2008.

The Committee requested that the final report be presented to the States and the Greffier of the States was asked to take the necessary action.

Ministerial Government: review. 465/1 (77)

A7. The Committee considered a proposition lodged 'au Greffe' by the Deputy of St. John on 10th December 2008, entitled 'Ministerial Government: Review' (P.181/2008 refers).

It was noted that the proposition requested that the Committee carry out a review of the current system of Government, present a report with recommendations to the States within 9 months, and lodge a proposition so that any proposals for reform may be debated by the States.

Having discussed the proposition, the Committee considered that a similar body of work had already been carried out following the Machinery of Government Review (R.105/2007 refers). It was agreed that the Chairman should contact the Deputy to request that the debate on the proposition be deferred and invite him to attend the Committee's meeting of 6th February 2009 to discuss the matter.

Should the Deputy decline to defer the debate, the Committee considered that it

would wish to present a comment on the proposition raising its concerns regarding the size of the proposed project and its likely detrimental impact on other areas of the Committee's work programme.

Rôle of unelected members of the States: review. 1240/6 (56)

A8. The Committee considered a proposition lodged 'au Greffe' by the Deputy of St. Martin on 6th January 2009 entitled, 'Rôle of unelected members of the States: review' (P.5/2009 refers).

The Committee noted that the proposition requested an independent review to be carried out into the current roles of the unelected members of the States and for the Council of Ministers, after consultation with the Committee, to establish a panel to conduct the review by 31st March 2009.

Members raised concerns regarding the cost and complexity of the review as proposed by the Deputy, given that it included all 5 unelected members.

The Committee agreed that it was content to give in principle support to the proposal for a review of the role of the Bailiff and the 2 Law Officers and noted that the present Bailiff himself had indicated his support for a properly conducted independent review into the role of Bailiff when he spoke at the swearing-in of new States members on 8th December 2008.

However, the Committee questioned the need to review the role of His Excellency the Lieutenant-Governor as it was felt that this role did not involve any direct part in the work of the States. The Committee also considered that an external review into the role of the Dean would be unnecessary, as this was more a question of the separation of Church and State, and was therefore a purely political issue.

The Committee considered who should be requested to carry out the review and raised concerns regarding the possible cost, should the Council of Ministers recommend that constitutional and legal experts from outside the Island participate. It was considered that an amendment to the proposition to exclude the roles of the Lieutenant-Governor and the Dean from the review would reduce the likely cost and manpower requirement by restricting its overall scope.

The Committee requested that an amendment in the above terms be lodged 'au Greffe'.

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

Matters arising.

A9. The Committee noted the following matters arising –

- (i) that the Chairmen's Committee had discussed the suggestion of changing the name 'Scrutiny Panel' to 'Select Committee' at its meeting of 22nd January 2009. It was agreed that the matter would be considered by the Committee at a future meeting, should it receive written correspondence on the matter from the Chairmen's Committee.
- (ii) The Committee noted that a question concerning police access to the States Building had been raised by the Deputy of St. John during the States sitting of 20th January 2009. It was agreed that the matter would be discussed with H.M. Attorney General at the Committee's meeting of 27th February 2009.