

PRIVILEGES AND PROCEDURES COMMITTEE

(109th Meeting)

24th May 2011

PART A

All members were present, with the exception of Connétable J. Gallichan of St. Mary, Chairman, and Senator B.I. Le Marquand, from whom apologies had been received.

Deputy J.B. Fox, Vice Chairman
Senator S.C. Ferguson
Connétable P.F.M. Hanning of St. Saviour
Deputy J.A. Martin
Deputy T.M. Pitman (not present for item Nos. A1 and A3)

In attendance -

Mrs. D. Abbot-McGuire (Item No. A3 only)
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.

Welcome. A1. The Vice Chairman welcomed Senator S.C. Ferguson to the meeting, having noted her appointment to the Committee by the States on 18th May 2011.

Minutes. A2. The Minutes of the meetings of 4th May 2011 (Part A only); 10th May 2011 (Part A and Part B); and 12th May 2011 (Part A only), having been previously circulated, were taken as read and were confirmed.

First quarter financial report. 422/10/1(89) A3. The Committee, with reference to its Minute No. A2 of 8th May 2011, received the States Assembly first quarter financial report and welcomed Finance and Administration Manager, Mrs. D. Abbot-McGuire, in this regard.

The Committee noted the first quarter spend of £1,153,860, against the first quarter total budget of £1,304,924. It was noted that Scrutiny expenditure had been less than expected, and that expenditure in respect of members' facilities had exceeded the budget as the 2011 rent had been paid in full during the first quarter. Having been thanked by the Vice Chairman for her attendance, Mrs. Abbot-McGuire accordingly withdrew from the meeting.

Machinery of Government: review. P.76/2011 1240/22 (48) A4. The Committee received the proposition: 'Machinery of Government: review,' lodged *au Greffe* on 16th May 2011 by the Council of Ministers (P.76/2011 refers).

The Committee noted that the proposition asked the States to agree that there should be a review of the working of ministerial government and the roles and responsibilities of Ministers and public employees, to proceed in parallel with the work of the proposed Electoral Commission. It was proposed that the review would be undertaken by a committee of States members and would be chaired by the

Chairman of the Privileges and Procedures Committee.

The Committee expressed the view that the intention of the review was not apparent, having been interpreted by some members as an internal review of the entire structure of government, and by others as a review of financial governance and accountability. The Committee questioned whether a specific problem had been identified that the review was intended to address and **agreed** that clarification should be sought in this respect. Concern was also expressed that, should the review be carried out in parallel with the work of the Electoral Commission this could result in contradictory recommendations being brought forward in respect of the composition of the States and the structure of government. The Committee also noted that the membership of the body responsible for the review was likely to change shortly after its appointment due to the elections scheduled to take place in October 2011. No consultation had been carried out with the Committee in advance of the proposition being lodged, and the Committee **agreed** that it would welcome the opportunity to discuss the matter with the Council of Ministers in advance of the debate. The Chairman was accordingly **requested** to write to the Chief Minister in early course to request that a joint meeting be arranged between the Council of Ministers and the Committee.

The Committee Clerk was requested to take the necessary action.

Composition of the States: further debates before the outcome of the electoral commission.
P.78/2011
1240/22/1 (60)

A5. The Committee received the proposition: 'Composition of the States: further debates before the outcome of the Electoral Commission,' lodged *au Greffe* by the Deputy T.M. Pitman of St. Helier on 17th May 2011 (P.78/2011 refers).

Deputy Pitman declared an interest in respect of this item.

The Committee noted that the proposition asked the States to agree that it would be undesirable for further proposals seeking to change the composition of the elected membership of the States Assembly, or to overturn decisions already taken in relation to the composition of the elected membership, should be debated until the findings of the Electoral Commission had been considered by the States. It was noted that, if adopted, the proposition would not be binding, but would provide a political steer in respect of the matter.

The Committee, having considered the content of the proposition, **agreed** that it did not wish to present a comment to the States in respect of the proposition.

Standing Orders: publication of register of members' interests.
P.69/2011
450/2/1(58)

A6. The Committee, with reference to its Minute No. B1 of 10th May 2011, received a draft comment in respect of the proposition: 'Standing Orders: publication of register of members' interests,' lodged *au Greffe* on 4th May 2011 by the Deputy of St. Martin (P.69/2011 refers).

The Committee, having considered the content of the draft comment, accordingly **approved** the same, and requested that it be presented to the States at the earliest opportunity. Deputies J.A. Martin and T.M. Pitman requested that their dissent from the Committee's decision be recorded.

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

Standing Orders: time limits on speeches during debates.
P.1/2011
450/2/1(47)

A7. The Committee, with reference to its Minute No. A16 of 8th March 2011, received a draft statement in connexion with the proposition: 'Standing Orders: time limits on speeches during debates,' lodged *au Greffe* on 4th January 2011 by Senator P.F. Routier (P.1/2011 refers).

The Committee recalled that, on 3rd March 2011, the Assembly had voted by 23

votes to 22 (with 1 abstention), to adopt paragraphs (a) and (c) of P.1/2011 and had accordingly agreed that Standing Orders should be amended to introduce maximum time limits for speeches made by members during debates. The Committee had been asked to bring forward for approval the necessary amendments to give effect to the proposal. The Committee recalled its previous discussions in respect of the matter and reiterated its concerns that time limits would be difficult to manage and could result in longer debates as a result of members speaking to the given time-limit. The Committee was unable to recommend a suitable mechanism to enable time-limited speeches and agreed that it would be irresponsible for it to bring forward proposals that it did not consider would improve the efficiency of the States. It was accordingly **agreed** that the Chairman should make a statement to the Assembly in order to advise members that it did not intend not bring a proposition to the Assembly to introduce time limits on speeches at this time.

Having noted the content of the draft statement, the Committee accordingly **approved** the same and **requested** the Chairman to make the statement at the next States sitting.

Review of
Standing Order
84 of the
Standing Orders
of the States of
Jersey.
450/2/1(37)

A8. The Committee, with reference to its Minute No. A9 of 9th November 2010, gave further consideration to the request of Deputy E.J. Noel that it should consider a reduction in the 30 minute notice period to bring a debate to a close in accordance with Standing Order 84.

The Committee recalled that it had not supported a reduction in the 30 minute period when it had discussed the matter in November 2010; however, it had advised the Deputy that it would give further consideration to the proposal during 2011. In considering the matter, the Committee noted that, prior to the establishment of the current system of ministerial government, the provisions under Article 84 had been frequently used by members to bring debates to a close. Thereafter, safeguards had been introduced to ensure that the proposal to close the debate could only be made after one hour had elapsed after the end of the proposer's speech; that the proposal could only be made by a member who had yet to speak on the proposition; and that the member who intended to propose the closure motion would be required to give 30 minutes notice of his or her intention.

The Committee noted that, during recent debates where a member had given notice of his or her intention to propose the closure motion, the debate had either come to a natural conclusion prior to the closure motion being proposed or that the closure motion had been rejected. Having discussed the matter, the Committee **agreed** that the closure motion currently functioned well and it did not, therefore, intend to review its function at the present time. The Chairman was **requested** to write to Deputy Noel to advise him accordingly.

The Committee Clerk was requested to take the necessary action.

Decisions of the
States Assembly:
Rescindments
450/2/1 (59)

A9. The Committee received a report in connexion with concerns expressed by Deputy P.V.F. Le Claire during the States sitting of 18th January 2011 with regard to the ability of members to lodge a proposition *au Greffe* which, if adopted, could effectively rescind a previous decision of the States Assembly.

The Committee had regard for an extract taken from the Official Report ('Hansard') of 18th January 2011, as well as the content of Standing Orders 23 'Additional requirement for proposition to rescind earlier decision' and 20(3) 'Content of proposition'. The Committee, having considered the matter, **agreed** that it was content with the current position and did not wish to undertake a review at the present time.

Media Working
Party: web-
streaming States
meetings.
1240/10(36)

A10. The Committee, with reference to its Minute No. A5 of 14th December 2010, received a report in connexion with the possibility of uploading recordings of meetings to the States Assembly website.

The Committee recalled that it had agreed at its meeting on 29th June 2010 to undertake research into a recommendation of the former Media Working Party that recordings of committee and scrutiny panel meetings should be broadcast live on the internet and be available to listen to on demand until the transcript of that meeting had been uploaded. In December 2010, the Committee had received cost estimates for supplying and installing the necessary equipment to enable broadcasting via the States Assembly website. It had agreed at that time that, prior to pursuing such an approach, research should be undertaken into the feasibility of uploading audio from pre-recorded meetings on a trial basis so as to establish whether there was a demand for such a service.

The Committee received cost estimates for the provision of an audio editing programme and staff training totalling £1,000, and noted that this figure did not take account of the ongoing staff costs that would be incurred for editing and uploading the audio. The proposed uploading of audio from scrutiny hearings had been raised by the Chairman at the Chairmen's Committee meeting which had been attended by Committee representatives on Thursday 12th May 2011. At that meeting, concern had been expressed that members of the public might be able to edit the available audio and upload parts of it to other websites. In response to these concerns, the President of the Chairmen's Committee had agreed to refer the matter to the individual scrutiny panels for consideration. The position was **noted** and the Committee **agreed** to await comments from Scrutiny in this regard.

French tuition for
States Members.
875/8(1)
F &AM

A11. The Committee, with reference to its Minute No. B1 of 25th January 2011, received correspondence addressed to the Chairman and dated 29th March 2011 from Connétable K.P. Vibert, President of the Jersey Section of the Assemblée Parlementaire de la Francophonie (A.P.F.).

Connétable P.F.M. Hanning declared an interest in respect of this item.

The Committee recalled that the Chairman had written to the President advising of its intention to aggregate the budgets for Commission Amicale and the A.P.F. under one heading, having noted that a proportion of the Commission's budget had been used to further States members' knowledge of French in support of political and cultural exchanges between France and Jersey. The Committee noted that the Jersey Section was of the opinion that it was important to improve the level of French of States members and had agreed that it would be content to take over responsibility for the provision of French lessons, subject to the necessary transfer of funds from the Commission Amicale.

The position was **noted**.

2011 elections:
voter registration
and turnout.
424/2(72)

A12. The Committee, with reference to its Minute No. A6 of 10th May 2011, received an oral update from the Deputy Greffier of the States in connexion with the ongoing campaign to encourage voter registration and turnout in respect of the October 2011 elections.

The Committee recalled that, on 19th May 2011, the States had adopted the Draft Public Elections (Expenditure and Donations) (Jersey) Regulations 201- (P.51/2011): Amendment, which had been lodged *au Greffe* by the Committee on 21st April 2011. It had accordingly been agreed that the Committee would be required to "make arrangements for election material provided to it by a candidate to be published and distributed in Jersey". The Committee received quotations for the distribution of material in respect of the October 2011 elections by post and

with a newspaper, and, having taken into account the cost and circulation figures in respect of both options, **agreed** that candidates' information should be distributed by post in advance of the forthcoming elections. The Committee further **agreed** that each candidate should be permitted to submit up to 600 words for publication. On a related matter, Deputy J.A. Martin requested that future consideration be given to the introduction of a provision which would enable Islanders who turned 16 years of age after the closing date for voter registration, but prior to election day, to register to vote.

The Deputy Greffier was requested to take the necessary action.

Correspond-ence. A13. The Committee noted correspondence sent by the Chairman following its meeting on 10th May 2011.

Work programme. A14. The Committee received its ongoing work programme, with particular regard to the following:

Standing Order 168

With reference to its Minute No. A14 of 25th January 2011, the Committee recalled that it had yet to receive any further correspondence from Property Holdings in respect of proposals to amend Standing Order 168 of the Standing Orders of the States of Jersey. The Chairman accordingly **agreed** to write to Connétable J.M. Refault, Assistant Minister for Treasury and Resources, to request an update in this regard. The Committee Clerk was requested to take the necessary action.