

STATES OF JERSEY

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DRAFT AMENDMENT (No. 10) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 5th December 2008
by the Privileges and Procedures Committee**

STATES GREFFE



Jersey

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REPORT

This amendment to Standing Orders makes a small but significant change. At present Standing Order 160 requires the Greffier to prepare a written transcript ('Hansard') of all States meetings and to include the full text of questions and answers and all public business in the transcript. Standing Order 170(4) then requires the Greffier to publish this full transcript on the States Assembly website.

As a result of this statutory requirement all words spoken in the Assembly, whether or not they breach Standing Orders, are transcribed and published on the website. PPC is nevertheless concerned that there have been occasions in recent months when the name of a person who is not a member of the Assembly has been used in breach of Standing Order 104(2)(i). That sub-paragraph states that a member of the States must not "*refer to any individual who is not a member of the States by name unless use of the individual's name is unavoidable and of direct relevance to the business being discussed*". If a member breaches this Standing Order, the Presiding Officer may determine that a breach has taken place, and may even require the member concerned to withdraw the words. Nevertheless, because of the requirement for a complete transcript, the full exchanges, including the name, will be published on the website. PPC does not believe this is appropriate. Internet publication means that the full text, including any names that have been ruled to be in breach of Standing Orders, are available across the world and easily traceable through search engines. PPC considers that this is extremely unfair on individuals who have been named in this way in breach of Standing Orders. Many prospective employers and others may undertake an internet name search to find any background information about an individual and the current provisions mean that the individual named in breach of Standing Order 104(2)(i) can easily be traced. Furthermore the appearance of a name in the Official Report of a parliamentary assembly could give the publication additional credence in the eyes of anyone finding it through an internet search.

If this amendment is adopted the Presiding Officer will be given a new power to direct that any name that he or she has determined is in breach of Standing Order 104(2)(i) be omitted from the transcript. The power is very narrowly drawn to cover names only and does not permit the omission of any other unparliamentary or disorderly words. PPC considers that this is an appropriate balance between the need to protect individuals and the need to produce an accurate transcript of the proceedings. The new power does not, of course, affect the transmission on the radio of the words spoken and does not interfere with the important privilege of members to speak freely as they see fit in the Assembly. It should be stressed that use of a name is only in breach of Standing Order 104(2)(i) if its use was unnecessary and not of direct relevance to the business being discussed.

The proposed process will be an open and transparent one as the second part of these proposals, which makes an amendment to Standing Order 160, will require a note in the transcript showing where the presiding officer has directed that a name be omitted. In this way any person reading the transcript will be able to see exactly what happened during the exchanges in the Assembly.

There are no financial or manpower implications arising from these amendments.

Explanatory Note

Standing order 109 is amended so as to give the presiding officer power to direct that a name spoken by a member of the States in a meeting in contravention of standing order 104(2)(i) is omitted from the transcript of the meeting. Standing order 104(2)(i) prohibits a member from referring to an individual who is not a member of the States by name when the member is making a speech unless use of the individual's name is unavoidable and of direct relevance to the business being discussed. The presiding officer may make such a direction following a determination that the member has used offensive, objectionable, unparliamentary or disorderly words.

Standing order 160 is amended so as to set out how the omission of a name, following a direction under standing order 109, must be indicated in the transcript of a meeting.



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Arrangement

Amendment

- | | |
|----------|-----------------------------------|
| <u>1</u> | <u>Interpretation</u> |
| <u>2</u> | <u>Standing order 109 amended</u> |
| <u>3</u> | <u>Standing order 160 amended</u> |
| <u>4</u> | <u>Citation and commencement</u> |



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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005^[1], have made the following amendments to Standing Orders –

1 Interpretation

In these amendments, a reference to a standing order is to a standing order of that number in the Standing Orders of the States of Jersey^[2].

2 Standing order 109 amended

In standing order 109 after paragraph (6) there shall be added the following paragraph–

“(7) If, having made a determination under paragraph (4) that the words are offensive, objectionable, unparliamentary or disorderly, the presiding officer is of the opinion that the words consist of or include a name in contravention of standing order 104(2)(i), he or she may direct that such name is omitted from the transcript of the meeting.”.

3 Standing order 160 amended

In standing order 160 after paragraph (3) there shall be inserted the following paragraph–

“(3A) If the presiding officer has directed the omission of a name under standing order 109(7), the transcript shall not include that name and such omission shall be marked in the transcript as follows –

‘[name omitted in accordance with standing order 160(3A)]’ ”.

4 Citation and commencement

These amendments may be cited as Amendment (No. 10) of the Standing Orders of the States of Jersey and shall come into force 7 days after they are made.

[1]

chapter 16.800

[2]

chapter 16.800.15