

STATES OF JERSEY



DRAFT AMENDMENT (No. 35) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 1st February 2018
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 35) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

1. These amendments have been drafted to implement the Assembly's adoption of 'Standing Orders: Answers to Questions' ([P.25/2017](#)), lodged by Deputy G.P. Southern of St. Helier. In approving that proposition, the Assembly agreed that Standing Orders should be amended to make provisions in relation to responses to oral questions that –
 - “(i) where lists of data are required in order to answer a particular oral question, these may be circulated to members in printed form at the time the answer is given; and*
 - (ii) answers given shall address the content of the question being asked and be confined to the subject matter of the question; if the presiding officer is of the opinion that the answer given fails to do so, he shall draw the member's attention to these requirements in Standing Orders and ask the member to attempt to address the content of the question more directly;”.*
2. As the Committee indicated at the time of the debate on Deputy Southern's proposition, it was already investigating amendments to Standing Orders that would stipulate answers to questions should be of direct relevance to those questions. That work followed a recommendation in 2016 to that end from the Standing Orders and Internal Procedures Sub-Committee. The work undertaken by the Committee in this area has been incorporated within the work undertaken to implement the adoption of Deputy Southern's proposition.
3. These proposed amendments to Standing Orders therefore incorporate the following –
 - (a) A stipulation that an answer to a written question should be of direct relevance to the question and the establishment of a process whereby the relevance of that answer may be challenged;
 - (b) A stipulation that an answer to an oral question (whether with or without notice) should be of direct relevance to the question and the establishment of a process whereby the relevance of that answer may be ruled upon;
 - (c) Provision for relevant written material to be circulated alongside answers provided to oral questions (whether with or without notice); and
 - (d) Consequential amendments to provisions as to what must, or may, be included in the official transcript of the Assembly's proceedings.

Answers to written questions to be directly relevant

4. An amendment to Standing Order 12 is proposed in relation to written questions. Deputy Southern's proposition only applied explicitly to oral questions but the Committee considers it appropriate that the same principles should apply to both oral and written answers.
5. With the amendment, it would be stipulated that the answer to a written question must be "*directly relevant to the question asked*." The amendment would also establish a process whereby the direct relevance of the answer could be challenged –
 - (a) The questioner would have until 12:45 p.m. on the day the answer was tabled to refer the answer to the Bailiff on the basis that it was not directly relevant to the question.
 - (b) The Bailiff would have until 9:30 a.m. on the following day to rule on whether or not the answer provided was directly relevant and, if not, that a new answer be provided.
 - (c) If a new answer were required, the member answering would have until 9:30 a.m. on the day after to provide a new answer.
6. More often than not, this would mean questioners having until 12:45 p.m. on Tuesday to refer a question to the Bailiff; the Bailiff would have until 9:30 a.m. on Wednesday to provide a ruling; and the member answering would have until 9:30 a.m. on Thursday to provide a new answer. A time of 12:45 p.m. is suggested as a deadline for members' appeals rather than, say, the lunchtime adjournment in order to accommodate occasions when the Assembly meets on a Monday afternoon for questions (and when there is no lunchtime adjournment).
7. It would not be prescribed how the questioner should bring the matter to the Bailiff's attention; they could feasibly do so in writing or by raising a point of order in the Chamber.
8. The Committee would highlight that although the amendment would introduce a timetable for rulings to be made and for new answers to be provided, this would not mean that the process could not be followed more rapidly. Whilst the process would establish set deadlines, it would always be an option for members to provide new answers before the deadline if they wished and were able to, particularly where that might be helpful for a debate.

Answers to oral questions to be directly relevant

9. Amendments are proposed to Standing Orders 63 and 65 in exactly the same terms, except that they relate to oral questions with notice and oral questions without notice respectively.
10. As with the proposed amendment to Standing Order 12, it would be stipulated that answers to oral questions must be "*directly relevant to the question asked*". A process for dealing with this would be established, albeit that a different process would apply from that which would apply to written questions. This has been proposed given the different contexts in which written and oral questions are put and answered. The Bailiff, or presiding officer, is attuned to what is happening during periods of oral questions, whereas concerns regarding written answers might need to be drawn more explicitly to the Bailiff's attention.
11. In relation to oral questions, the following process would apply –

- (a) Where the presiding officer ruled that an oral answer was not of direct relevance, he or she could request the member answering to provide a new answer.
 - (b) The presiding officer would have the option to defer ruling until 9:30 a.m. the following day.
 - (c) The presiding officer would also have the option of asking for a new answer to be provided in writing, rather than orally.
 - (d) If a written answer were requested at or before 12:45 p.m., the member answering would have until 9:30 a.m. the following day to provide a new answer. If the request were made after 12:45 p.m., the new answer would need to be provided by 9:30 a.m. on the second day after the request. A request made on Tuesday morning would therefore see a written answer provided by 9:30 a.m. on Wednesday; whereas any request made on Tuesday afternoon, for example, would see a written answer provided by 9:30 a.m. on Thursday.
12. Unlike the process for written questions, the onus would not be placed on the questioner to bring the potential irrelevance of an oral answer to the presiding officer's attention. However, that would not prevent a member who was aggrieved by an oral answer they had been given from raising a point of order.
13. The provisions allowing the presiding officer to defer ruling until 9:30 a.m. the following day and / or to request that a written answer be provided are both proposed to ensure that impasses within the Chamber may be avoided. This is a procedure which has been used elsewhere. For example, Sessional Orders of the Legislative Assembly in the Parliament of Victoria, Australia, allow for the Speaker of that Assembly to determine that an oral answer "*is not responsive to the question*" and to direct that a written response be provided by a set time the following day. Such provisions allow for breathing room to be established within the Chamber, if need be, in order that an issue might best be resolved.

Written material circulated alongside oral answers

14. Other changes are proposed to Standing Orders 63 and 65 to implement the first part of Deputy Southern's proposition, namely that "*lists of data*" could be circulated to members in printed form at the time the answer is given, if such lists assist the answer.
15. The changes to Standing Orders 63 and 65 in this regard would allow the member answering an oral question to provide relevant supporting written material alongside that oral answer. The amendment is drafted in such a way as to make it an option for the member answering to do so. There would consequently be no obligation, as this could otherwise see a member forced to circulate their speaking notes.
16. Where a member chose to circulate written material, they would be obliged to provide a copy to the Greffier, who would then be responsible for circulating the material to members – either during the meeting or as soon as practicable afterwards.

Inclusion of material within Hansard

17. Some consequential amendments are proposed to Standing Order 160, which deals with the production of an official transcript of the Assembly's proceedings (i.e. Hansard). They arise from the amendments proposed to Standing Orders 12, 63 and 65.

18. At present, Standing Order 160(3)(b) allows the Greffier of the States some discretion (subject to consultation with the Committee) in including within the official transcript supporting material which has been distributed during a debate. It is proposed to amend this to include any supporting material which has been distributed during a meeting (rather than simply during a debate) in order to accommodate the proposed changes to Standing Orders 63 and 65 and the fact that supporting material could now be distributed during question time. A new paragraph, Standing Order 160(3)(c), is also proposed to allow for the inclusion in Hansard of any supporting material which is distributed after a meeting in relation to an oral question, in line with the new provisions of Standing Orders 63 and 65.
19. The Committee has taken this opportunity to consider the provisions of Standing Order 160 more generally and, whilst further amendments are not proposed, the Committee has taken two views on a matter of policy and directed the Greffier accordingly. Those matters are as follows –
- (a) Standing Order 160(2)(a) states that the official transcript should include “*all questions and answers, whether written or oral*”. The Committee has concluded that this should include both the original answer and revised answer where (in accordance with the proposed amendments to Standing Orders 12, 63 and 65) the first was ruled to be not directly relevant to the question asked.
 - (b) In accordance with Standing Order 160(3)(b), the Committee has also agreed that the Greffier should be able to include within the transcript material of direct relevance to proceedings within the Chamber but which has been circulated outside of a meeting. This provision would be especially helpful in respect of oral questions without notice. The Committee has noted that, on occasion, Ministers circulate after a meeting material to which they have referred during oral questions. At present, no reference is made to such material in Hansard. In future, however, following the Committee’s agreement, the Greffier will be able to include such material (whether directly, by way of a hyperlink etc.).

Neither of these 2 matters require an amendment to Standing Orders but the Committee reports them here for members’ attention.

Financial and Manpower Implications

There are no financial and manpower implications arising from adoption of this proposition.

Explanatory Note

These amendments of the Standing Orders of the States of Jersey introduce the requirement for any answer given to a question to be directly relevant to the question asked; and the requirement for members to provide additional information in respect of certain companies in which they hold issued share capital.

Amendment 1 is an interpretation provision.

Amendment 2 amends standing order 12 to require a member who gives a written answer to a question to give an answer that is directly relevant to the question asked. It also provides for the Bailiff to give his or her opinion on whether an answer given is directly relevant to the question asked and if it is not, to direct the member who answered the question to submit an answer that does not contravene this requirement.

Amendment 3 amends standing order 63 to require a member who gives an oral answer to a question of which notice has been given to give an answer that is concise and directly relevant to the question asked. It also permits the member answering a question orally to use supporting or illustrative written material that is relevant to the answer and requires such material to be distributed to all the members during the course of the meeting at which the answer is given or as soon as practicable thereafter.

New standing orders 63(7B) to (7D) provide for the presiding officer to give his or her opinion whether an answer given is or is not directly relevant to the question (or supplementary question) and for a member to provide an answer that is directly relevant to the question (or supplementary question) asked if he or she has not done so when first answering such a question. The presiding officer may defer giving his or her opinion until any time up to 9.30 a.m. on the day after the answer in respect of which he or she is giving his or her opinion has been given; and may require an answer to be given in writing.

Amendment 4 amends standing order 65 in the same way as *Amendment 3*, in relation to answers that are given by a Minister to questions without notice.

Amendment 5 amends standing order 160 to require the written transcript of a meeting to include any supporting or illustrative material that has been distributed to members of the States during a meeting and any supporting or illustrative written material that has been distributed to members of the States under standing order 63(7A) or 65(4A) after the meeting at which the question to which it relates was answered.

Amendment 6 gives the title of these Amendments and provides for them to come into force on the day after the day on which they are made.



Jersey

DRAFT AMENDMENT (No. 35) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Arrangement

Amendment

1	Interpretation	11
2	Standing order 12 amended.....	11
3	Standing order 63 amended.....	12
4	Standing order 65 amended.....	13
5	Standing order 160 amended.....	13
6	Citation and commencement.....	14



Jersey

DRAFT AMENDMENT (No. 35) OF THE STANDING ORDERS OF THE STATES OF JERSEY

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 2005¹,
have made the following Amendments to the Standing Orders of the States of
Jersey²

1 Interpretation

In these Amendments, a reference to a standing order by number is a reference to the standing order of that number in the Standing Orders of the States of Jersey³.

2 Standing order 12 amended

In standing order 12 –

- (a) after paragraph (2) there shall be inserted the following paragraph –
“(2A) A member who gives a written answer to a question must give an answer that is directly relevant to the question asked.”;
- (b) after paragraph (3) there shall be added the following paragraph –
“(4) Where the questioner is of the opinion that the answer contravenes paragraph (2A) and wishes the Bailiff to give his or her opinion on the matter –
 - (a) he or she must, before 12.45 p.m. on the day on which the answer is tabled, refer the answer to the Bailiff for his or her opinion on whether it contravenes paragraph (2A);
 - (b) the Bailiff must give his or her opinion no later than 9.30 a.m. on the day after the day on which that the matter was so referred; and
 - (c) if the Bailiff is of the opinion that the answer contravenes paragraph (2A), he shall inform the member who provided the answer of that opinion and direct that member to submit an answer to the question that does not contravene paragraph (2A) no later than 9.30 a.m. on the day after the

day on which the Bailiff is required to give his or her opinion under sub-paragraph (b).”.

3 Standing order 63 amended

For standing order 63(7) there shall be substituted the following paragraphs –

“(7) When a member of the States is asked a question or a supplementary question –

- (a) the member must answer it concisely;
- (b) the member’s response must be directly relevant to the question asked (or supplementary question, as the case may be); and
- (c) the member may supply to members supporting or illustrative written material that is relevant to the answer.

(7A) Where a member wishes to supply supportive or illustrative written material under paragraph (7)(c), the member must provide a copy of the material to the Greffier, who must distribute a copy of it to each member during the course of the meeting at which the answer is given or as soon as practicable thereafter.

(7B) Where the presiding officer is of the opinion that an answer given under this standing order is not directly relevant to the question asked (or supplementary question), the presiding officer shall –

- (a) inform the member who is required to give the answer of that opinion; and
- (b) request the member to provide an answer that is directly relevant to the question (or supplementary question) that was originally asked.

(7C) The presiding officer, if he or she considers it desirable to do so, may defer giving his or her opinion under paragraph (7B) until no later than 9.30 a.m. on the day after the answer in respect of which he or she is giving his or her opinion has been given.

(7D) Where the presiding officer makes a request under paragraph (7B)(b), he or she may request the member to table a written answer that is directly relevant to the question (or supplementary question, as the case may be) that was originally asked and –

- (a) if the presiding officer has made that request at or before 12.45 p.m. on the day the question (or supplementary question) was answered, the member must provide the written answer by 9.30 a.m. on day after the request was made; and
- (b) if the presiding officer made that request after 12.45 p.m. on the day the question (or supplementary question) was answered, the member must provide the written answer by 9.30 a.m. on the 2nd day after the request was made.”.

4 Standing order 65 amended

For standing order 65(4) there shall be substituted the following paragraphs –

“(4) When a Minister is asked a question –

- (a) the Minister must answer it concisely;
- (b) the Minister’s response must be directly relevant to the question asked; and
- (c) the member may supply to members supporting or illustrative written material that is relevant to the answer.

(4A) Where a member wishes to supply supportive or illustrative written material under paragraph (4)(c), the member must provide a copy of the material to the Greffier, who must distribute a copy of it to each member during the course of the meeting at which the answer is given or as soon as practicable thereafter.

(4B) Where the presiding officer is of the opinion that an answer given under this standing order is not directly relevant to the question asked, the presiding officer shall –

- (a) inform the Minister who is required to give the answer of that opinion; and
- (b) request the Minister to provide an answer that is directly relevant to the question asked.

(4C) The presiding officer, if he or she considers it desirable to do so, may defer giving his or her opinion under paragraph (4B) until no later than 9.30 on the day after the answer in respect of which he or she is giving his or her opinion has been given.

(4D) Where the presiding officer makes a request under paragraph (4B)(b), he or she may request the Minister to table a written answer that is directly relevant to the question that was originally asked and –

- (a) if the presiding officer has made that request before 12.45 p.m. on the day the question was answered, the Minister must provide the written answer by 9.30 a.m. on day after the request was made; and
- (b) if the presiding officer made that request after 12.45 p.m. on the day the question was answered, the Minister must provide the written answer by 9.30 a.m. on the 2nd day after the request was made.”.

5 Standing order 160 amended

In standing order 160 –

- (a) in paragraph (2)(a), after the words “written or oral” there shall be inserted the words “(including all answers given in any case where the Bailiff or presiding officer, as the case may be, was of the opinion that the first answer given contravened a standing order)”;
- (b) in paragraph (3) –

- (i) at the end of sub-paragraph (a), the word “and” shall be deleted;
- (ii) for sub-paragraph (b) there shall be substituted the following sub-paragraphs –
 - “(b) any supporting or illustrative material that has been distributed to members of the States during a meeting; and
 - (c) any supporting or illustrative written material that has been distributed to members of the States under standing order 63(7A) or 65(4A) after the meeting at which the question to which it relates was answered.”.

6 Citation and commencement

These Amendments may be cited as Amendment (No. 35) of the Standing Orders of the States of Jersey and shall come into force on the day after the day on which they are made.

-
- ¹ *chapter 16.800*
² *chapter 16.800.15*
³ *chapter 16.800.15*