

PRIVILEGES AND PROCEDURES COMMITTEE

(6th Meeting)

7th March 2003PART A

All members were present, with the exception of Deputy C.J. Scott-Warren, from whom apologies had been received.

Senator C.G.P. Lakeman (for a time)
 Connétable D.F. Gray
 Deputy F.J. Hill, B.E.M.
 Deputy R.G. Le Hérisssier
 Deputy J-A. Bridge
 Deputy J.A. Bernstein

In attendance -

M.N. de la Haye, Greffier of the States
 D.C.G. Filippini, Assistant Greffier of the States
 Mrs K. Tremellen-Frost, Acting Committee Clerk

Note: The Minutes of this meeting comprise Part A only.

- Minutes. A1. The Minutes of the meetings held on 14th February 2003, having been previously circulated, were taken as read and were confirmed.
- Freedom of Information. 1240/1/2(18) A2. The Committee, with reference to its Act No. A4 of the 14th February 2003, noted that the draft report in respect of Freedom and Information should be amended to include information regarding the formation of a Working Party between the Committee and the Legislation Committee to consider the relationship between Freedom of Information and Data Protection and Official Secrets legislation. It also requested that an introduction be added to the report.
- The Greffier of the States and the Executive Officer were requested to make the necessary changes in consultation with the Vice President. The Committee agreed that the report, once amended, should then be presented to the States as a *Rapport et Correspondence* on 18th March 2003.
- Vote of appreciation from President. A3. The President recorded his appreciation to all Committee members, in particular the Vice-President, for the work which had been undertaken during his period of absence.
- Public Accounts Committee/ Comptroller and Auditor General. 1240/22/1(8) A4. The Committee, with reference to its Act No. A4(c) of 7th February 2003, received a report, dated 20th February 200, from the Committee Clerk, reviewing previous Minutes and correspondence in respect of the proposed Public Accounts Committee (PAC) and Comptroller and Auditor General (CAG).
- Ex.Off. The Committee recalled that it had expressed some disagreement with the recommendations of the Public Accounts Committee and Auditor General Working Party regarding the membership of the PAC and the respective roles of Scrutiny and the PAC. In particular, the Committee felt that, within a small jurisdiction such as Jersey there should not be unnecessarily rigid rules on demarcation between the two functions.

The Committee also received an Act, dated 26th February 2003, of the Finance and

Economics Committee wherein it was stated that that Committee had decided to offer the services of a Treasury officer to assist with the preparation of the relevant section of the proposed draft States of Jersey Law. Furthermore, the Finance and Economics Committee had also decided that a delegation representing that Committee should attend the Privileges and Procedures Committee on 7th March 2003. This, however, had been postponed.

The Committee noted with concern that a report which had been promised by PAC at its meeting of 20th September 2002 (Minutes of that meeting -Item 12 refers) had not been forthcoming.

The Committee agreed that the President of the Finance and Economics Committee should be invited to attend a future meeting once the Committee had given further consideration to this issue itself.

Machinery of Government Sub-Committee: sight of minutes and related reports.
1240/22/1(5)

A5. The Committee, with reference to its Act No. A9 of 24th January 2003, recalled that it had agreed Connétable D.F. Gray should attend the meetings of the Machinery of Government Sub-Committee as representative of the Committee.

Following consideration of the work being undertaken by the above Sub-Committee, it was agreed that it would be beneficial to receive the minutes of the meetings of the Sub-Committee and any related reports. It was also agreed that matters relating to the above Sub-Committee would be an agenda item at future meetings.

The Greffier of the States was requested to contact the Manager of Government Reform, Policy and Resources Department, to request that the Sub-Committee papers be forwarded to the Committee in future.

States members' remuneration and expenses - revised report and proposition.
1240/3(68)

A6. The Committee, with reference to its Act No. A1 of 14th February 2003, received a revised draft report and proposition regarding States members' remuneration and expenses.

It was agreed to await the outcome of the forthcoming Finance and Economics Committee regarding the date of introduction of the proposed new scheme of States members remuneration before proceeding, however, it was hoped that the draft report and proposition would be lodged "au Greffe" as soon as possible.

Ex.Off.
Pub.Ed.
States (2)

Code of Conduct for elected States members - draft report and proposition.
1240/9/1(110)

A7. The Committee, with reference to its Act No. A2 of 14th February 2003, received a revised draft report and proposition regarding the proposed Code of Conduct for Elected Members of the States.

Following consideration of certain amendments to the above draft report and proposition, the Committee agreed that it should be lodged "au Greffe" on 18th March 2003 with a view to a debate by the States on 8th April 2003.

Ex.Off.
Pub.Ed.
States (2)

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

States of Jersey Law - drafting instructions and consultation paper.
450/1(1)

A8. The Committee, with reference to its Act No. A4 of 7th February 2003, received Mr. M. Entwistle, Principal Legal Instruction Officer, Machinery of Government Reforms, in connexion with his report on the proposed drafting instructions and consultation paper for a new States of Jersey Law.

The Committee noted that the Working Group set up to scrutinise the drafting proposals in detail had now completed its work. Consideration was given to each section of the drafting instructions. The current rôles of the Viscount and the Dean in the States Assembly were considered and it was agreed that the President should consult with the Bailiff in respect of this matter.

Ex.Off.

Having made some amendments, the Committee approved the drafting instructions and it was agreed that the finalised version should be referred back to the Committee before it was presented to the States for information. The Committee also agreed that the matter should be forwarded to the Law Draftsman to enable a start to be made on drafting the new States of Jersey Law. Finally the Committee noted that H.M. Attorney General had requested sight of the drafting instructions.

Scrutiny Seminar
21.02.03.
1240/22/1(9)
465/1(28)

A9. The Committee, with reference to its Act No. A7 of 24th January 2003, considered issues raised during the Scrutiny Seminar held on 21st February 2003. In this connexion, the Committee received a transcript of the question and answer session which had formed part of the Seminar and also a transcript of the presentation by Sabindha Sanghera of the Lambeth Borough Council.

Ex.Off.

The Committee, with reference to its Act No. A6 of 14th February 2003, went on to consider the arrangements for a seminar to be held on 28th March 2003 regarding the Scrutiny function in the Scottish Parliament. The Committee noted that Ms. Elizabeth Watson, Head of Committee Office, Scottish Parliament had agreed to lead the Seminar.

The Committee agreed that the President and Deputy Le Hérissier should contact Ms Watson to identify the areas about which she was intending to speak. It was also agreed that an officer from the National Audit Office should be invited to the event and that all members should now be contacted to apprise them of the seminar.

Questions in the
States.
1240/4(155)

A10. The Committee received and considered correspondence, dated 11th February 2003 from Mr. B. Nibbs, Chief Executive Officer, Jersey Harbours, with regard to the time taken by his Department in researching answers to States members' questions.

Ex.Off.

The Chief Executive Officer suggested that in many cases a straightforward answer to a question might be provided by the Department prior to going to the States. His Senior Management Team, when discussing this, thought that it might be prudent and in the best interests of government if initially the States member concerned should take the preferred course of action of directing his/her question to either the President or the Chief Officer of the department concerned and then if a satisfactory response was not received within a given period, that the question would then be asked in the normal manner in the States.

The Committee also considered a proposal of the Policy and Resources Committee that that Committee President should make a monthly statement to the States regarding matters under consideration by that Committee which would be followed by a ten -minute period for questions relating to the statement.

The Committee, however, decided that there were alternative mechanisms regarding questions which merited consideration and agreed that a representative from the Policy and Resources Committee should be invited to attend a subsequent meeting.

Concern was expressed that no response had been forthcoming from the President, Policy and Resources Committee to correspondence from the Vice-President suggesting the creation of a Working Party in relation to question time and the arrangement of public business. The Committee agreed to give further consideration to these issues at a future meeting.

Acts of other
Committees/
matters for
information.

A11. The Committee noted the following Acts of other Committees and matters for information-

- (a) Act No. A16, dated 6th February 2003, of the Policy and Resources Committee in connexion with States members' remuneration;

- (b) Act No. A7, dated 23rd January 2003, of the Employment and Social Security in connexion with States members' remuneration;
- (c) Act No. B1, dated 12th February 2003, of the Finance and Economics Committee in connexion with the terms of reference, membership and programme of work of the States Audit Commission; and,
- (d) correspondence dated 24th February 2003, which had been sent from the Executive Officer to BBC Radio Jersey regarding media presence at the Media Introduction for newly elected States members.

Future meeting
Dates.

A12. The Committee confirmed the date of its next scheduled meeting which was to take place on Friday 21st March 2003. The Committee also considered holding an additional meeting to consider matters relating to the Special Committee business.

Judith Bourke:
departure and
Lorraine
Harrison -
arrival.
1240/22/1/6/1
(3)

A13. The Committee thanked Mrs. Judith Bourke for her hard work as Administrator to the Committee and confirmed Miss Lorraine Harrison as authorised signatory for Committee accounts as from the date she took up office as Administrator in place of Mrs. Bourke.

The Greffier of the States was directed to send a copy of this Act to the Treasurer of the States accordingly.

C.I.Aud.
T.O.S.