

PRIVILEGES AND PROCEDURES COMMITTEE

(54th Meeting)

25th July 2007**PART A**

All members were present, with the exception of Deputy I.J. Gorst, from whom apologies had been received.

Connétable D.F. Gray of St. Clement - Chairman
 Senator M.E. Vibert
 Connétable K.A. Le Brun of St. Mary
 Deputy G.C.L. Baudains
 Deputy S.C. Ferguson
 Deputy J. Gallichan

In attendance -

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

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

Minutes.

A1. The Minutes of the meetings held on 11th July 2007 (Part A and Part B) and 12th July 2007 (Part A only), having previously been circulated, were taken as read and were confirmed.

Draft
 Registration of
 Political Parties:
 (P.73/2007).
 465/4(3)

A2. The Committee, with reference to its Minute No. A3 of 2nd July 2007, discussed the way forward regarding the Registration of Political Parties (P.73/2007) which had been lodged 'au Greffe' on 5th June 2007.

The Committee recalled that on 16th July 2007 the States had adopted the proposition together with certain amendments agreeing that a system of registration of political parties should be introduced in Jersey. Senator F.E. Cohen had lodged an amendment to the proposition which sought to prevent the registration of extremist political parties promoting discrimination on the grounds of race, religion or sexual orientation. The proposed amendment further required the de-registration of a party if at any time it promoted discrimination on the grounds of race, religion or sexual orientation. This amendment had subsequently been withdrawn by Senator Cohen as he had been advised by the Law Officers' Department that it was not compatible with the European Convention on Human Rights. However, Senator Cohen had advised the Assembly that if an amendment could be drafted that was considered to be Human Rights compliant he would bring such a proposition to the States in the near future. Some members of the Committee conveyed reservations regarding the effectiveness of the proposed amendment and expressed concern that preventing extremist political parties from registering did not necessarily mean that such parties would not be in existence. The Committee opined that anti-discrimination legislation would be needed to protect individuals against extremist political parties.

The Committee agreed that it would await the outcome of Senator Cohen's proposed amendment following which a law drafting brief should be prepared for the proposed Registration of Political Parties legislation.

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

Members being
excused
attendance in the
States Assembly.
1240/1/2(38)
Encl.

A3. The Committee received and considered a report dated 20th July 2007, prepared by the Greffier of the States in connexion with members being excused attendance in the States Assembly.

It was recalled that on 19th July 2007 the Bailiff had requested the Committee to discuss the criteria relating to the circumstances when members should be excused attendance in the Assembly. The matter had been raised following a decision to mark Senator M.E. Vibert as excused when he was attending pre-arranged interviews for the post of Director of Education, Sport and Culture. The Deputy of Grouville intervened as she felt that the treatment offered to the Minister for Education, Sport and Culture was inconsistent with a decision of the States on 14th March 2007 in relation to Senator W. Kinnard, Minister for Home Affairs and her Assistant Minister the Deputy of St. John. On that occasion Deputy P.J.D. Ryan explained that the Minister for Home Affairs and her Assistant Minister were attending interviews for the post of Chief Superintendent of the States of Jersey Police but, following a vote, members agreed by 13 votes to 31 that she should not be excused attendance.

The Committee noted that Standing Order 53 stated that a member was 'en défaut' unless he or she was absent from Jersey on States' business, ill or excused. The decision on whether a member should be excused was entirely a matter for States members. Standing Order 53(3) stated that a member would declare the reason for the missing member's absence and ask the States to agree that the reason was such that the absent member should be excused. It was then a matter for the States to decide.

Senator Vibert advised the Committee that he was required by the Jersey Appointments Commission to sit on the interview panel for the post of Director of Education, Sport and Culture and he had wanted it noted in the States' minutes that he was absent because he was attending to States related business. The Committee was reminded that States members were provided with plenty of notice as the dates for the meetings of the States were issued well in advance and also included continuation dates if required. However, it was opined that not being permitted to arrange appointments for 3 days a week every fortnight could be quite limiting and sometimes it was unavoidable that a meeting was scheduled for one of the continuation dates.

The Committee recognised that it could be beneficial to permit the recording of a specific reason why a member was absent from the States and opined that perhaps it could be recorded in the minutes that the member was en défaut along with the reason for his or her absence. The Committee accepted that there could be certain instances when a member might not want the reason for his or her absence from the States recorded in the minutes and it was agreed that in such cases, and provided the States agreed, the member could still be recorded as excused. The Committee decided that guidelines should be drafted for its consideration advising members of the circumstances in which it considered it to be appropriate for members to be recorded as en défaut or excused.

The Greffier of the States was directed to prepare draft guidelines for consideration at the next meeting.

Use of States
Members' e-mail.
422/1(72)

Encl.

A4. The Committee discussed the use of the States members' electronic mail system and the distribution of information to all States members.

The Committee was advised that some States members were requesting the States Greffe to forward e-mails to all members on their behalf. The Committee opined that, when e-mails were received from the Greffier of the States, members would initially assume that it was an official message from the States Greffe. It was not until the e-mail had been opened that it became apparent that the message had been forwarded on behalf of a States member. The Committee agreed that States members should be requested to forward e-mails themselves using the 'All Elected States Members' option from their address book rather than routing e-mails through the States Greffe.

The Committee further agreed that members should be asked to exercise discretion when using the 'reply to all' button in e-mail correspondence as many messages were unnecessarily circulated to all States members.

The Committee Clerk was directed to take the necessary action.

Matters for
information.

A5. The Committee noted the following matters for information -

- (a) correspondence, dated 16th July 2007, sent to the Chairman of the Comité des Connétables regarding the Public Elections (Jersey) Law 2002;
- (b) the Committee noted that concern had been expressed regarding the amount of paper the photocopier in the members' computer room got through and it had been suggested that members who utilized it could be issued with passwords so that the use of the paper could be monitored. The Committee opined that members could be issued with guidelines outlining the use of the facilities as it had been suggested that perhaps the facilities were not always used for undertaking States' duties; and
- (c) the Committee confirmed that its next meeting would be held on Wednesday, 5th September 2007, commencing at 9.30 a.m. in the Le Capelain Room, States Building, Royal Square.