

**WRITTEN QUESTION TO THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 28th SEPTEMBER 2010**

Question

“Given that attendance throughout States Sittings is required under the States of Jersey Law unless ill, on official States business or otherwise excused by the Assembly and that all States Members are effectively being paid by the Island’s taxpayers to attend these meetings (for usually six and a half hours per day for two or three days per fortnightly throughout the year with an hour and a half lunch break) in order that Members can listen to and analyse any arguments made in support of or against propositions so that they may then vote from an informed position in the best interests of the taxpaying public, will the Chairman clarify what sanctions, if any, can be brought against Members who abuse the allotted lunch hour to return hours late and/or regularly leave the States building premises for prolonged periods during debates for unofficial reasons; and if none, what action, if any, does the Committee propose to take to address these concerns?”

Answer

The Committee has noted concerns that there are some elected members who appear to spend a significant amount of time outside the States Chamber during States sittings. Standing Orders do not provide for sanctions for those who regularly absent themselves from the Chamber. It is worthy of note that the States Assembly is unusual in its expectation that members will attend meetings unless they have compelling reasons not to do so. Many jurisdictions do not impose any formal obligation to attend meetings of parliament.

In addition, the quorum of the States Assembly is much higher than elsewhere, making it considerably more difficult to absent oneself from the consideration of public business.

The Committee believes that it is the responsibility of members to uphold the requirements of the Code of Conduct and to adhere to their oath of office. Senators and Deputies swear an oath in which each they promise before God, or alternatively affirm as follows –

FORM OF OATH TO BE TAKEN BY SENATORS AND DEPUTIES

You swear and promise before God that you will well and faithfully discharge the duties of (Senator) (Deputy); that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to Law; that you will uphold and maintain the laws, privileges, liberties and franchises of Jersey, opposing whomsoever may wish to infringe the same; **that you will attend the meetings of the States whenever you are called upon to do so; and generally that you will fulfil all the duties imposed upon you by virtue of the said office. All of which you promise to do on your conscience.**

The Connétables also make a similar commitment as part of their oath - “assistant aux Etats lorsque vous en serez requis” (“attending the States where you are required to do so”).

Monitoring presence or absence from the States Chamber would not be an exact science, and would require staffing to implement. Some brief absences are perfectly understandable, and it would be necessary to distinguish between a brief absence and an unacceptable more prolonged one. This might need to be coupled with finding out whether the member is undertaking important business in connection with his function as a States member and if the reason for absence is satisfactory.

The Committee believes it should not be necessary to monitor members’ attendance in this way, given that the Oath of Office charges the member to attend meetings of the States ‘on his or her conscience’. It would be difficult for the Committee to address a question of conscience if a complaint were received that a member had

breached paragraph 2 of the Code of conduct for elected members, which states:

“Elected members must give due priority to attendance at meetings of the States in accordance with the terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so.”

Should the Privileges and Procedures Committee receive a complaint with evidence that a member has breached paragraph 2 of the Code, it would endeavour to consider it in accordance Standing Orders and determine any sanction accordingly.

The Committee is conscious of finding ways to address the matter of absence from the States Chamber. There was concern that members were leaving the Chamber for long periods of time in order use the computer room on the ground floor of the States Building for example to refer to Hansard or to Reports on matters relevant to the ongoing debate. The Committee hopes to have addressed this to some extent with the installation of computers directly outside the Chamber which should be used for quick reference during debates.