

**STATEMENT TO BE MADE BY THE CHAIRMAN OF THE PRIVILEGES AND
PROCEDURES COMMITTEE ON 7th JUNE 2011**

On 3rd March 2011 the Assembly voted by 23 votes to 22 (with 1 abstention), to adopt paragraphs (a) and (c) of P.1/2011, 'Standing Orders: time limits on speeches during debates,' lodged by Senator Paul Routier. In doing so, the States agreed that Standing Orders should be amended to introduce maximum time limits for speeches made by members during debates, and asked the Privileges and Procedures Committee (PPC) to bring forward for approval the necessary amendments to give effect to the proposal. Paragraph (b) of the proposition proposed a series of time limits and was rejected by 33 votes to 13. Accordingly, the actual time limits were left to be determined by PPC.

Before considering what the appropriate time limits might be, the Committee discussed how any such time limits should be managed. This raised considerable difficulties. Firstly, time limits would need to be monitored by the Presiding Officer, who would advise members when their allotted time had elapsed. During the course of a debate, if the advice of H.M. Attorney General was sought on a particular point, for example, it would be reasonable to expect that the countdown on the member's speech would be paused during the Attorney General's response. If this was the case, it would follow that the countdown should also be paused if a member's speech was interrupted for a point of clarification or a point of order. The Presiding Officer and/or the Greffier would therefore spend a significant amount of time pausing and restarting the countdown, or attempting to monitor the number of interruptions in order to allow for additional time at the end of the speech, a calculation which could then be disputed by members. A similar difficulty would arise if a member summing up a debate had used all his or her allocated time but was then asked for clarification by another member at the end of the summing up speech. If the member was allowed extra time this could easily be used to circumvent the time limit as members supporting the proposition could raise numerous points to give the member who had summed up additional time. In addition, there is no practical way to guard against members sharing speeches in order to circumvent time limits. This could not be restricted under Standing Orders as there would be no way to prove that such an approach had been taken. There is also the risk that members would speak to the given time-limit, causing an increase in debating time, instead of the intended reduction.

States members agreed to introduce time limits on speeches with a view to improving the efficiency of the States. However, PPC has always taken the view that it would be irresponsible for the Committee to bring forward proposals to change procedures that it did not consider would improve matters and the Committee does not feel able to recommend a suitable mechanism to enable time-limited speeches. Also, the Committee is aware that speeches made in the States Chamber can have a significant influence upon members' decisions and, while many other jurisdictions employ time limits on speeches, almost all of those jurisdictions also operate under a system of party politics where the outcome of most votes is known in advance. The Committee accepts that the States Assembly asked it to bring forward a proposition to amend Standing Orders to introduce maximum time limits; however, it does not feel able to do so at the present time. Accordingly, while it notes the request of the Assembly, it does not intend to bring a proposition to the Assembly to introduce time limits on speeches at this time.

5. Statement by the Chairman of the Privileges and Procedures Committee regarding the proposal to introduce a time limit for speeches

The Deputy Bailiff:

Very well, that brings questions without notice to an end. We now come to J; there is nothing under J. K, Statements on a Matter of Official Responsibility, the Chairman of the Privileges and Procedures Committee will make a statement about the proposal to introduce a time limit for speeches.

5.1 The Connétable of St. Mary (Chairman of the Privileges and Procedures Committee):

On 3rd March 2011 the Assembly voted by 23 votes to 22, with one abstention, to adopt paragraphs (a) and (c) of P.1/2011, Standing Orders: time limits on speeches during debates, lodged by Senator Paul Routier. In doing so, the States agreed that Standing Orders should be amended to introduce maximum time limits for speeches made by Members during debates and ask the P.P.C. (Privileges and Procedures Committee) to bring forward for approval the necessary amendments to give effect to the proposal. Paragraph (b) of the proposition proposed a series of time limits and was rejected by 33 votes to 13. Accordingly, the actual time limits were left to be determined by P.P.C. Before considering what the appropriate time limits might be, the Committee discussed how any such time limits should be managed. This raised considerable difficulties. Firstly, time limits would need to be monitored by the Presiding Officer, who would advise Members when their allotted time had elapsed. During the course of a debate - if the advice of Her Majesty's Attorney General was sought on a particular point, for example - it would be reasonable to expect that the countdown on the Member's speech would be paused during the Attorney General's response. If this was the case, it would follow that the countdown should also be paused if a Member's speech was interrupted for a point of clarification or a point of order. The Presiding Officer and/or the Greffier would, therefore, spend a significant amount of time pausing and restarting the countdown or attempting to monitor the number of interruptions in order to allow for additional time at the end of the speech, a calculation which could then be disputed by Members. A similar difficulty would arise if a Member summing up a debate had used all his or her allotted time but was then asked for clarification by another Member at the end of the summing up speech. If the Member was allowed extra time, this could easily be used to circumvent the time limit as Members supporting the proposition could raise numerous points to give the Member who had summed up additional time. In addition, there is no practical way to guard against Members sharing speeches in order to circumvent time limits. This could not be restricted under Standing Orders as there would be no way to prove that such an approach had been taken. There is also the risk that Members would speak to the given time limit, causing an increase in debating time instead of the intended reduction. States Members agreed to introduce time limits on speeches with a view to improving the efficiency of the States. However, P.P.C. has always taken the view that it would be irresponsible for the Committee to bring forward proposals to change procedures that it did not consider would improve matters and the Committee does not feel able to recommend a suitable mechanism to enable time limited speeches. Also, the Committee is aware that speeches made in the States Chamber can have a significant influence upon Members' decisions and, while many other jurisdictions employ time limits on speeches, almost all of these jurisdictions also operate under a system of party politics where the outcome of most votes is known in advance. The Committee accepts that the States Assembly asked it to bring forward a proposition to amend Standing Orders to introduce minimum time limits. However, it does not feel able to do so at the present time. Accordingly, while it notes the request of the Assembly, it does not intend to bring a proposition to the Assembly to introduce time limits in speeches at this time.

The Deputy Bailiff:

The statement is made. It is now open for questions. Senator Routier.

5.1.1 Senator P.F. Routier:

I have to say I am very disappointed with this statement this morning. **[Approbation]** The excuses which are given for not being able to administer such a scheme, I think, are pretty flawed really because other jurisdictions manage to do it and I cannot see that they have got it wrong totally. The question I would like to ask is why does the Committee consider that all other jurisdictions that do have time limits have it wrong and why have they come to that decision?

The Connétable of St. Mary:

Well, I would like to say that I am also disappointed that P.P.C. have not been able to resolve this matter because, of course, it is a matter of pride that we do respond well to States instruction. However, it is futile to bring forward things that, even on committee we cannot come to a consensus on; because, of course, by nature of the Committee's make-up, we have a broad span of the Assembly. I would point out to Senator Routier that the States Assembly was unable to come to a decision on time limits and so, therefore, simply telling P.P.C. to go away and do something that the Assembly itself is not able to support seems really quite difficult. P.P.C. has tried to do this and, as I have explained in the statement, most of the jurisdictions that use a time limit system have a different makeup to the way that the States Assembly works involving party politics. That has a considerable effect on the way that speech timings could be implemented.

5.1.2 Deputy R.G. Le Hérissier:

Given that this was not found to be the way forward, would the Chairman outline what the Committee's views were as to how debates can be made more effective in this Assembly?

The Connétable of St. Mary:

The task we were given was to introduce time limits and that is the task upon which we focused. Various statements were made during the debate which we looked at, Members saying that self-regulation was best, that Members were learning, and P.P.C. hopes that that will be the case and that Members will regulate themselves. But we stuck here to our specific task of trying to find a way of introducing a time limit, which we were, sadly, unable to do.

5.1.3 Senator A. Breckon:

Does the Chairman agree with me that quality is more important than quantity and the worst offenders for waffling on a bit are Ministers in speeches and answering questions?

The Connétable of St. Mary:

Yes and no. I do agree that quality is often much better than quantity. As for the second point, I have no opinion. **[Laughter]**

5.1.4 Deputy M. Tadier:

Will the Chairman advise why these comments were not delivered in advance of the initial debate on time limits, as it seems that they are particularly germane and would have set the tone for the debate? Many of these arguments given here show that time limits themselves, rather than necessarily the actual time limit in terms of minutes, is problematic in the first place and it would have been useful if we had have known P.P.C.'s position more clearly at the start of that debate. Does the Chairman agree?

The Connétable of St. Mary:

What was important here was to get not P.P.C.'s initial position but the position of this Assembly. P.P.C. took cognisance of the points raised during that debate. It would not have been possible to have done that without the debate and I think this is the right time to make this statement.

5.1.5 Senator B.E. Shenton:

Is the Chairman aware that this may set a precedent for Ministers to ignore the policy of the States on the basis that P.P.C. can ignore the policy of the States and, therefore, Ministers can? I do not believe - ask the S.G. (Solicitor General) - there is a legal imperative for the Committee to carry out the wishes of the States, which they frankly refuse to do.

[12:30]

The Deputy Bailiff:

It is not a time for questions to the Law Officers. Chairman?

The Connétable of St. Mary:

I would respectfully remind the Senator that we have not refused to consider this issue. We have considered it at length. It has been some time since this was given to us in March and we have looked at things. It is simply naïve, I think, of Members of this Assembly, when they cannot conceive of a solution to a problem that they perceive, to simply say: "P.P.C., sort this out." P.P.C. is used as the dumping ground for things that States Members cannot achieve and, wherever possible, we adhere to the instructions we are given. In this case, regretfully, that has not been possible. It has not produced an outcome which we would be happy to bring to the Assembly.

5.1.6 Senator F. du H. Le Gresley:

Given that this Chamber has a habit of debating issues time and time again, may I suggest to the Chairman that she might wish to bring a proposition to the Assembly to revoke the decision made on 3rd March given that it was only approved by one vote?

The Connétable of St. Mary:

Although I appreciate the Senator's sentiment, I do not believe that would be a useful way forward. We have made the statement. May I just say that the challenge is always down: if a Member has a real, fundamental way forward that they think this could work, they could bring it to P.P.C., but that did not emerge during the debate and it did not emerge during our deliberations.