



States' Assembly & Constitution Committee

RULE 14: QUESTIONS FOR WRITTEN REPLY

From	Deputy N. R. Inder
To	States' Assembly & Constitution Committee
Subject	General
Date of questions	15 th February, 2018
Date acknowledgement sent	16 th February, 2018
Date of response	28 th February, 2018

Response from the States' Assembly & Constitution Committee

Question 1: Budget - 2017

What were annual operational running costs of the States Assembly and Constitution Committee; including all staff and administration.

Answer

£62,000

Question 2: Budget - 2018

What is the budget for operational running costs of the States Assembly and Constitution Committee; including all staff and administration costs.

Answer

£61,500

A 2018 Cash Limit of £128,000 has been provided to the Royal Court to fund the 2018 costs associated with holding a referendum on the method of electing People's Deputies (arising from Resolution 9 of P.2017/49, Billet d'État XIV, June 2017).

Question 3: Sittings

In 2017 how many times did the Committee sit and how many hours did the Committee sit for each session.

Answer

No	Meeting date	Total
1	13.01.2017	3 hours 5 minutes
2	10.02.2017	2 hours 55 minutes

No	Meeting date	Total
3	03.03.2017	2 hours 45 minutes
4	31.03.2017	3 hours 15 minutes
5	26.04.2017	4 hours
6	16.05.2017	3 hours 15 minutes
7	18.05.2017	2 hours 25 minutes
8	16.06.2017	3 hours 30 minutes
9	07.07.2017	3 hours 30 minutes
10	08.09.2017	3 hours 30 minutes
11	13.10.2017	3 hours 15 minutes
12	19.10.2017	2 hours 50 minutes
13	03.11.2017	2 hours 10 minutes
14	24.11.2017	3 hours 20 minutes
15	19.12.2017	2 hours 5 minutes

Question 4: Resolutions

- **Are there any outstanding Resolutions or States direction that are time critical and the Committee has not fulfilled?**
- **What are the Committee's outstanding Resolutions?**

Please find attached a spreadsheet detailing the extant resolutions relating to the States' Assembly & Constitution Committee and their current status. The resolutions relating to the referendum on Guernsey's voting system are time critical and are currently being progressed.

As with all Committees, only a part of the States' Assembly & Constitution Committee's work is derived from extant States' resolutions. Please also find attached a copy of the general update statement given on 7th February, 2018 which provides an overview of our ongoing and future workstreams.

States' Assembly & Constitution Committee: extant States' resolutions

Year	Billet	Article	Subject	Resolution	Original Proponent	Status
2017	XIV	9	Referendum on Guernsey's Voting System	<p>7. To agree that campaign groups should be permitted along the lines set out in paragraphs 13.1 to 13.9 inclusive, save that, instead of the process set out in paragraph 13.7 of the Policy Letter...</p> <p>(c) The States' Assembly & Constitution Committee shall have principal responsibility for ensuring the provision of a set of impartial and comparable information on each of the options A to E (or, in the event that the States approves any other form of referendum, including a binary referendum, for each of the options in that referendum), which –</p> <p>(i) it shall provide in such formats and publish in such manner as it believes will be most readily accessible to all eligible voters, and</p> <p>(ii) may be further supplemented by the information provided by official campaign groups,</p> <p>but should, in its own right, be sufficient to enable voters to reach an informed decision on their preferred choice of option.</p>	SACC	Ongoing – work is progressing in preparation for the referendum in October 2018.
2017	XIV	9	Referendum on Guernsey's Voting System	<p>10. To direct the preparation of such legislation, based on the provisions of the attached policy letter, as shall be necessary to hold the referendum – such legislation to include, inter alia: all the provisions necessary to enable the referendum to be held, the question to be asked, arrangements for voting, provisions in respect of promotional expenditure, relevant offences including double voting, and the date on which the referendum shall be held.</p>	SACC	Ongoing – work is progressing in preparation for the referendum in October 2018.

States' Assembly & Constitution Committee: extant States' resolutions

Year	Billet	Article	Subject	Resolution	Original Proponent	Status
2017	XI		Regular Statements by Committee Presidents	To agree in respect of the twelve-month period beginning on the 1 st September, 2017 that such statements shall be made by the Presidents and, in the case of the States of Alderney, the nominated Alderney Representative according to the rota set out in Schedule 1a to the Rules. In respect of any States' Meeting after the 1 st September, 2018 the States' Assembly & Constitution Committee shall propose the rota in accordance with the provisions of Rule 1(1).	SACC	Ongoing – annual requirement
2016	9	3	Declaration of Unspent Convictions	3. To approve that the Reform (Guernsey) Law, 1948, as amended, be further amended to provide that candidates for the office of People's Deputy must make a declaration of all unspent convictions which resulted in sentences of imprisonment as defined in the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 in any jurisdiction anywhere in the world unless they were in respect of an act which would not constitute an offence if committed in Guernsey; that candidates must agree that appropriate verification of the information declared could be undertaken by the Returning Officer for the election; and that the declaration form would be available for inspection by the electorate at that election; and that Declarations would be destroyed as soon as the election to which they related had concluded; and that provisions would be included to enable the States to prescribe rules as to the publication of this information; and that a specific offence be created of knowingly or recklessly making false statements, the penalty for which, in addition to any fine, imprisonment or other sentence imposed in the event of a prosecution and conviction, be that the States, once any legal proceedings and appeals, if appropriate, had been concluded, could by Resolution declare any person convicted of the offence	States Assembly & Constitution Committee	Ongoing – the Committee has made a request to the Policy & Resources Committee that the drafting of the legislation be completed and presented to the States in advance of the nomination period for the 2020 General Election.

States' Assembly & Constitution Committee: extant States' resolutions

Year	Billet	Article	Subject	Resolution	Original Proponent	Status
				ineligible to hold office as a People's Deputy or as a member of a States'.		
2016	9	3	Declaration of Unspent Convictions	5. To direct the preparation of such legislation as may be necessary to give effect to the above decisions, including further amendments to The Reform (Guernsey) Law, 1948, as amended.	States Assembly & Constitution Committee	Ongoing – The Committee has requested the legislation be presented to the States in advance of the nomination period for the 2020 General Election.
2016	4	2	The Scrutiny Management Committee: Powers, Resources and Impartiality	2. To direct the States Assembly and Constitution Committee to review and report to the States with a revised Code of Conduct for Members of the States of Deliberation to encompass the requirements of the Scrutiny Management Committee as set out in paragraphs 2.8 to 2.9 of that Policy Letter.	Scrutiny & Public Accounts Committees	Ongoing – This will be considered as part of the 2018 review of the Code of Conduct.
2013	15	7	Strategic Asset Management Plan	5. To direct Policy Council and Treasury and Resources Department to work in conjunction with the States Assembly and Constitution Committee to ensure that the Strategic Asset Management Plan is consistent with Resolution (z) of the Report of the Public Accounts Committee, Scrutiny Committee and States Assembly and Constitution Committee report on Improving Governance in the States of Guernsey dated January 2012 (Article XVI Billet d'État No. V dated 8th March 2012). <i>z) The States Assembly and Constitution Committee should give consideration to assessing the need for research and administrative assistance for States members to enable them to discharge their parliamentary and constituency duties as effectively as possible. The States Assembly and Constitution</i>	Policy Council & Treasury & Resources	Ongoing

States' Assembly & Constitution Committee: extant States' resolutions

Year	Billet	Article	Subject	Resolution	Original Proponent	Status
				<i>Committee should also review and, if considered necessary, make recommendations to improve the facilities available to States members in the discharge of their parliamentary and constituency duties;</i>		
2012	5	16	Improving Governance in the States of Guernsey	1x. A reasonable period of time before each General Election, the States Assembly and Constitution Committee, in conjunction with the Policy Council, should publish for the assistance of potential candidates for election a guide to the States to include an explanation of: the General Election process; the various roles and responsibilities of a States member, such as the constituency, parliamentary, executive and scrutiny functions; the internal election process; and the functions of the different layers of the legislature and the government. If considered necessary, the Policy Council should propose a minor extension to the mandate of the States Assembly and Constitution Committee to incorporate this matter;	Public Accounts Committee	Ongoing
2012	5	16	Improving Governance in the States of Guernsey	1w. In every States term, the States Assembly and Constitution Committee should publish within nine months of the General Election, after consultation with States members, a report to include; <ul style="list-style-type: none"> i. A review of the induction programme incorporating an analysis of the success or otherwise of each part of that programme and any changes to the programme which it Public Accounts Committee would be considered desirable to put into effect for the following States term; and ii. Details of a programme of ongoing training which shall be offered to all States members during that States term (6.18); 	Public Accounts Committee	Ongoing

States' Assembly & Constitution Committee: extant States' resolutions

Year	Billet	Article	Subject	Resolution	Original Proponent	Status
1989	XVI	XII.2	Reform Law 1948 and Scrutin Secret Law 1899	The Resolution directed that the two Laws be consolidated into a single Law	N/K	The Committee propose the Resolution is rescinded. It e-mailed P&R on 08.09.2017 to request that if P&R intend to include the ' <i>States' Resolutions to be Rescinded</i> ' document in the 2018 P&R Plan, this resolution is included.



General Update Statement

07.02.2018

I am grateful, Sir, for this opportunity to provide an update on the work and priorities of the States' Assembly & Constitution Committee.

As Members will recall, in 2017 the States supported the Committee's main proposals in relation to holding a referendum on Guernsey's voting system. The intention is that the referendum will be held on the 10th of October this year, allowing the electorate to determine their future electoral system ahead of the next General Election. Coincidentally I am required to make this Statement at the same meeting of the States at which the draft Project de Loi - the Electoral System Referendum (Guernsey) Law, 2018 - will be considered.

If the legislation is approved, the Committee will return to the States promptly with a policy letter containing recommendations for the membership of the Campaign Group Assessments Panel. This is the Panel which will be responsible for independently assessing applications from groups or persons wishing to lead any of the five campaign groups – one for each of the options on the ballot paper – which we hope will be appointed.

Provisionally the Committee envisages these campaign groups being appointed in June to allow them adequate time to prepare their campaigns for an official campaigning period from the start of September to the day before the referendum.

On behalf of the Committee, I chair a Referendum Steering Group which has been formed to assist with the administration of the project over the next nine months. It includes officers with responsibilities in connection with the electoral roll and communications. The Group - and the Committee - will be working closely with the douzaines on the practical arrangements for the referendum. I would like to place on record our appreciation for the valuable assistance the douzaines will provide in the holding of the referendum.

The Committee has limited resources and the referendum must remain its primary focus. However other work is being progressed and will result in policy letters coming before the States in the next few months.

In the first quarter of this year, the Committee will publish a policy letter containing interim proposals for minor changes to the Code of Conduct for Members of the States of Deliberation.

First, in response to requests from other States' Members, it will suggest changes to enable Members, should they wish, to organise their workloads with the assistance of employees or associates who do not work for the States. Second, it will suggest changes to ensure the Code meets international standards to prevent the bribery and corruption of public officials.

This policy letter is being presented in advance of the comprehensive review of the Code of the Conduct which the Committee will be undertaking in 2018. The terms of reference for the review will be drafted over the next couple of months and the Committee will consult with all Members, and seek feedback from members of the public, regarding the effectiveness of the Code and the current procedures which support it. The Committee will look at how complaints against Members of Parliament are dealt with in other jurisdictions and will take into account a report which it is understood is being prepared by the Panel of Members appointed by the Bailiff to hear cases in relation to the Code.

Periodically the Committee reviews the Rules of Procedure of the States of Deliberation and their Committees. In the first half of this year it will bring a policy letter to the States proposing amendments to the Rules. I would like to take this opportunity to invite Members who may have suggestions on such amendments to write to the Committee setting out their thoughts.

Following a review of St James Chambers, the Policy & Resources Committee has requested the Committee to examine the case for establishing the role of States Greffier or States Clerk, a role which has existed in Jersey in support of their Parliament for several decades. This work is at an early stage but should not take too long to complete.

After the referendum, the Committee intends to undertake a comprehensive review of the States of Election, including the process for electing Jurats and the conditions which apply once they are elected. This will inevitably include consideration of replacing age restrictions with term limits.

A particular area of interest to the Committee in recent months has been data protection, especially in light of the General Data Protection Regulations which will come into force in May 2018. The Committee is working with staff from the Policy & Resources Committee to ensure that Members have adequate training to understand the data protection obligations placed upon them, whether in their role as Committee members or individual deputies.

The Committee is exploring other training opportunities for Members, in order to introduce a programme of ongoing training and development of members throughout the political term rather than restricting it to the period immediately following a General Election. In this matter the Committee has received much useful advice from other Members, not least from Deputy Dudley-Owen, and looks forward to working with Members to improve what is available to them in this and future terms.

Another Member approached the Committee with concerns about safety when working alone potentially on contentions matters. The Committee issued a Lone Working Protocol in November 2017 and is grateful to several Members who have provided positive feedback on it.

The Committee has met and corresponded with a number of Members on various other matters which fall within its mandate. The Committee is grateful to Members for their continued engagement and reminds them that they are welcome to attend meetings as observers. The Committee has also continued with its commitment to be open in its work by allowing the media to attend its meetings.