

PRIVILEGES AND PROCEDURES COMMITTEE

(14th Meeting)

4th October 2002PART A

(Business conducted by telephone)

All members were present.

In attendance -

F.G. Le Maistre, Acting Committee Clerk.

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

Machinery of
Government:
Freedom of
Representation
(P.173/2002)
1240/22/1(12)

A1. The Committee, with reference to its Act No. A12 of 2nd October 2002, gave further consideration to whether it should comment on the Report and Proposition of Senator S. Syvret on Freedom of Representation (P.173/2002).

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

The Committee, with reference to its Act No. A9(a) and (b) of 30th July 2002, recalled that it had previously made its position on the doctrine of collective responsibility clear to the Policy and Resources Committee both in its Committee Act and in a letter from the President, dated 23rd August 2002. It had requested the Policy and Resources Committee to consider withdrawing the appendix 'Guidance and Procedure for Ministers' from its Report on the grounds that it was not a matter that needed to be determined by a parliamentary body. In its view, the issue of collective responsibility likewise should not be prescribed at this stage but should be left for the Council of Ministers to determine once in office. The Committee had expressed the opinion that the doctrine of collective responsibility, as set out in the Report of the Policy and Resources Committee, was too prescriptive. It should be left for the Chief Minister to develop accordingly to his/her own management style. It suggested that the arguments over this issue should be left until more pressing issues in respect of the Machinery of Government Reforms had been resolved.

The Committee agreed to comment on Senator Syvret's projet P.173/2002 in the following terms -

The Committee has suggested to the Policy and Resources Committee that the doctrine of collective responsibility is not a matter which ought to be prescribed now and, in any event, it is not something which needs to be determined by a parliamentary body. Likewise, the Committee believes that the Code of Conduct for Ministers, as set out in the appendix entitled 'Guidance and Procedures for Ministers' to the Report of the Policy and Resources Committee (P.171/2002), should not be debated by the States. The Code for Ministers was not binding in the same sense as the Code of Conduct for Members or Standing Orders of the States of Jersey. The language in the Code of Conduct for Ministers should be advisory rather than mandatory. It should be a matter for the Council to consider and adopt for itself once it has taken office.

The Committee considers the Report and Proposition of Senator Syvret in the same light. It suggests that the States should not seek to bind the Council of Ministers at this stage.

The Greffier of the States was requested to take the necessary action for the comment to be presented to the States