

PRIVILEGES AND PROCEDURES COMMITTEE

(8th Meeting)

24th March 2003PART A

All members were present, with the exception of Deputy C.J. Scott-Warren and Deputy J.A. Bernstein, from whom apologies had been received.

Senator C.G.P. Lakeman
 Connétable D.F. Gray
 Deputy F.J. Hill, B.E.M.
 Deputy R.G. Le Hérisier
 Deputy J-A. Bridge

In attendance -

M.N. de la Haye, Greffier of the States
 D.C.G. Filippini, Assistant Greffier of the States
 P. Byrne, Executive Officer
 M.P. Haden, Committee Clerk.

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

Scrutiny Function
 - proposed 'call-in'
 mechanism.
 502/1(3)

A1. The Committee, with reference to its Act No. A3 of 21st March 2003, gave further consideration to the question of including a 'call-in' mechanism within the powers of Scrutiny Panels in the new ministerial system of government.

Ex.Off.

The Committee considered the suggestion that 'call-in' could form an important element of the 'creative tension' that should exist under the new system between the Executive and Scrutiny functions. The move from the current Committee system into a system of government where decision making power was concentrated in the Executive constituted, it was asserted, a major cultural change in which non-Executive members were likely to feel that they had lost much of their current means of influencing political and strategic affairs in the Island. It was recognised that 'call-in' could not stop Executive decisions but it would allow backbench members an opportunity to influence the Executive by asking it to reconsider matters where it was felt that decisions had been taken without proper consultation or beyond agreed policy frameworks. It was argued that 'call-in' should be available to non-Executive members, not as a central power, but as a 'residual supplement' to other means of scrutinising the Executive. Dropping the proposal at this stage would disappoint members and the Press who had been enthusiastic about this idea in the Committee's First Report.

On the other hand, it was asserted that 'call-in' was unnecessary in the Jersey system as the arrangements for Scrutiny would provide other, more powerful means of holding the Executive to account. It was to be hoped that the quality of debate in the Assembly would be enhanced as members became better informed through involvement in effective scrutiny enquiries and developed skills in investigating below the surface of policies and strategies. Ministers could be called before Scrutiny Panels to account for their decisions and questioned on the basis of a rigorous and

well researched brief in a way that was not usually possible under the present Committee system. Under this system, members generally were presented with papers expertly prepared by officers of the Department but did not always have the expertise or resources to investigate possible alternatives. The danger in introducing a 'call-in' mechanism, it was suggested, was that Scrutiny Panels might become inundated with requests for 'call-in' making them reactive to the Executive agenda rather than proactive with their own priorities. It would be necessary for Scrutiny Chairmen to establish a system of monitoring and checking all key decisions of the Executive to ensure that all potentially controversial decisions were 'caught' before the 'call-in' deadline expired. A 'call-in' mechanism, furthermore, would encourage an adversarial relationship with the Executive. Finally, there was a possibility that the mechanism could be abused by a small minority of members (in the absence of party discipline as in the United Kingdom).

Having considered both sides of the argument, the Committee decided that the proposed 'call-in' mechanism should be included, without prejudice, in the Committee's forthcoming draft report and proposition on Scrutiny. The final decision on whether or not to include the mechanism would be taken by the Committee before finalising and lodging the report and proposition. Deputy R.G. Le Herissier was requested to prepare the relevant section for inclusion in the Committee's report.

Access to Policy
and Resources
Committee
papers.
451/1(4)

A2. The Committee, with reference to the decision of the Policy and Resources Committee not to continue its practice of distributing copies of its Minutes to all states members, was advised that the Vice President, in order to better understand that decision, had requested copies of the agenda paper considered by the Policy and Resources Committee prior to that decision. The Vice President, however, had not received a response from the Policy and Resources Committee in this regard.

Ex.Off.
C.E., P&R
P.R.E.O.
P.R.C.C.

The Committee, in view of the relevance of the matter to the wider issue of Question Time which it was currently considering, decided to make a formal request to the Policy and Resources Committee to be granted a copy of the aforementioned papers.

The Greffier of the States was directed to send a copy of this Act to the Policy and Resources Committee accordingly.