

Chairmen's Committee

Record of Meeting

Meeting by electronic mail

Date: 09.11.11

Meeting No: 92

Present	Senator S.C. Ferguson, President Deputy R.G. Le Hérissier, Vice-President Senator B. E. Shenton Deputy G.P Southern Deputy P.J. Rondel Deputy C. F. Labey
Apologies	
Absent	
In attendance	Mr. M. De La Haye, Greffier of the States, Mrs. K. Tremellen-Frost, Scrutiny Manager Mr M. Haden, Scrutiny Officer

Ref Back	Agenda matter	Action
515/3(13)	<p>1. Education and Home Affairs Scrutiny Panel: Issues surrounding the Review of the Financial Management of Operation Rectangle.</p> <p>The Committee considered a transcript of a hearing held on 28th October 2011 by a Sub-Panel of the Education and Home Affairs Scrutiny Panel in respect of the above review.</p> <p>Concerns were expressed as to the appropriateness of what had been stated by the witness and of a number of the allegations made in relation to third parties. Consideration was therefore given as to whether it was appropriate to upload the transcript to the Scrutiny website. The Committee considered whether certain parts of the transcript could be redacted before uploading but decided that this could lead to other complications.</p> <p>The Committee noted that panel members were covered by parliamentary privilege under Article 34 of the States of Jersey Law 2005 and witnesses were covered by the same privilege under Regulation 8(2) of the States of Jersey (Powers, privileges and immunities) (Scrutiny panels, PAC and PPC) Regulations 2006 and that should the transcript be uploaded to the Scrutiny website it was understood that this also would be covered by parliamentary privilege. However, due to the nature of the allegations and the fact that this was the first occasion that such matters had arisen, the Committee agreed that it was essential that legal advice was sought.</p> <p>The Committee was also advised that the Data Protection Commissioner had also expressed concern about the transcript being uploaded.</p> <p>Consideration was given to seeking advice from the Law Officers'</p>	

	<p>Department but noted that references to H.M. Attorney General were also made in the transcript. Consequently, the Committee agreed that, although he should be forwarded the original version of the transcript, he should be advised of the Committee's concerns and informed that the Committee had agreed that it would be necessary to seek independent legal advice on this matter to avoid any perception that H.M Attorney General was conflicted in any way. Advice would, however, be sought from H.M. Attorney General to establish from where independent legal advice could best be sought.</p> <p>Having agreed the above, the Committee also agreed that the advice sought would relate to whether an unredacted version or a redacted version should be uploaded or whether it should be uploaded in its entirety in view of the Terms of Reference of the review and the parliamentary privilege afforded to Scrutiny.</p> <p>It was further agreed that it would be useful to seek information from other jurisdictions as to the processes and practices currently in use.</p>	
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