

STATES OF JERSEY



BLACKBERRIES: COSTS FOR MINISTERS AND ASSISTANT MINISTERS AND USE IN THE ASSEMBLY (P.186/2009) – COMMENTS

**Presented to the States on 30th November 2009
by the Council of Ministers**

STATES GREFFE

COMMENTS

The proposition lodged by Deputy Pitman firstly asks the States to agree that the Chief Minister should cease to meet the costs of BlackBerries and call charges for Ministers and Assistant Ministers from the budget of the Chief Minister's Department. The Deputy instead proposes that such costs should be reclaimed from the relevant member's expenses. Furthermore, the proposition requests the Privileges and Procedures Committee to bring forward the necessary amendments to Standing Orders to ban the use of BlackBerries from the States Chamber when the Assembly is sitting.

On both accounts the Council of Ministers opposes Deputy Pitman's proposition with the view that States-provided BlackBerries are used by Ministers and Assistant Ministers in order to undertake Ministerial business and communicate effectively with their departments. The demanding nature of Ministerial duties dictates that Ministers and Assistant Ministers must be in continuous contact with their departments, which to remain responsive, often necessitates immediate access to e-mails and other information as required through their BlackBerries.

Although Deputy Pitman asserts that the provision of BlackBerries to Ministers and Assistant Ministers has 'undermined' equality within the States Assembly, such a view is not compatible with the States of Jersey Law 2005 or the Ministerial Code of Conduct (R.14/2006), the latter of which states –

“Ministers will receive executive and administrative support from States departments in the conduct of their work, and they must ensure that this support is not used at any time in relation to their private interests, financial or otherwise.”

BlackBerries are thus provided as a form of support for Ministers and Assistant Ministers to undertake their relevant duties, and not for personal usage. Whereas Article 44 of the States of Jersey Law 2005 prevents the payment of additional allowances for members' general expenses, it does not prevent the payment of expenses properly incurred in the course of Ministerial business, a view that was confirmed in writing by the Attorney General in response to a written question submitted by Deputy Pitman on 17th November 2009.

As such, the Council of Ministers does not support part (a) of Deputy Pitman's proposition because the provision of BlackBerries to Ministers and Assistant Ministers, and the subsequent costs incurred, are not a form of additional allowance but a necessary form of expenditure required to support Ministers and Assistant Ministers in performing their duties.

Moreover, Ministers are required to stay in contact during Sittings of the States. Part (b) of Deputy Pitman's proposition cites that there is 'no justification' for BlackBerries being allowed into the States Chamber, but it remains important for Ministers to receive messages and information from their departments when inside the Chamber. Prohibiting BlackBerries inside the Chamber would thus be a retrograde action, forcing Ministers to leave and go elsewhere to perform their duties.

Standing Order 99(1) cites:

Before entering the Chamber, a member of the States must switch off any mobile telephone and every other electronic device he or she has with him or her that would be likely to disturb the proceedings of the States.

The relevant Standing Order, therefore, does not prevent the use of electronic equipment within the States, provided that proceedings are not disturbed. Although there is form in banning the use of BlackBerries in some parliaments, these parliaments may not have such onerous requirements on the presence of Ministers in their Assembly. The necessity for States members to attend meetings of the Assembly when called upon to do so makes it imperative for Ministers to be able to balance their duties attending States Sittings and also being able to conduct their departmental work, which BlackBerries facilitate.

For these reasons, States Members are urged to reject both parts of this proposition.