

STATES OF JERSEY



DRAFT COMMISSIONER FOR STANDARDS (JERSEY) LAW 201- (P.87/2016): SECOND AMENDMENT

Lodged au Greffe on 17th January 2017
by the Chief Minister

STATES GREFFE

DRAFT COMMISSIONER FOR STANDARDS (JERSEY) LAW 201- (P.87/2016):
SECOND AMENDMENT

1 PAGE 23, ARTICLE 1 –

In the definition “code”, in paragraph (b) delete the words “and code of practice”.

2 PAGE 27, ARTICLE 9 –

In paragraph (1) –

(a) for sub-paragraph (d) substitute the following sub-paragraph –

“(d) on the Commissioner’s own initiative or, if requested by the PPC, to give advice on any matter relating to standards of conduct, including proposals to change a code;”;

(b) for sub-paragraph (e) substitute the following sub-paragraph –

“(e) if requested by the Chief Minister, to give advice on any matter relating to standards of conduct of Ministers and Assistant Ministers, including proposals to change a code.”.

CHIEF MINISTER

REPORT

The creation of an arm's-length, independent investigation process in the form of new Commissioner is an important step forward, demonstrating independence and rigour in pursuit of the highest standards of conduct by all elected States Members, including Ministers and Assistant Ministers.

Having considered this matter in depth, including having discussed the matter with the Privileges and Procedures Committee ("PPC"), this new amendment seeks to uphold this focus on conduct for all.

In particular, the amendment to P.87/2016 is designed to ensure that matters of procedure and practice are not included within the remit of the Commissioner and PPC, for example, that the Commissioner and PPC should not be responsible for investigating and enforcing adherence with collective responsibility on behalf of the Chief Minister.

This distinction between conduct and procedural matters has already been recognised in the draft Law, in so far as the remit of the Commissioner does not extend to investigating or policing the procedures applied by Scrutiny or the Public Accounts Committee. This is the common approach in other jurisdictions.

Conclusion

If this amendment is accepted, then all elected Members, and all Ministers and Assistant Ministers, would be under the jurisdiction of the Commissioner and PPC in respect of their conduct, which has been the consistent aim.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of this amendment.