

5.2 Deputy R.C. Duhamel of St. Saviour (President of the Chairmen's Committee) regarding the withdrawal of the Code of Practice for Scrutiny Panels and Public Accounts Committee (P.101/2006)

Members will have received a detailed letter setting out some of the background analysis behind the decision to withdraw P.101/2006. I do not propose to repeat the contents of the letter here now. Suffice it to say, that the issues are complex and fundamental to the governance of the Island and, as such, will need to be fully addressed by all Members of the States of Jersey. As a first step, a preliminary meeting was held yesterday with the Chief Minister and the Chairman of the Privileges and Procedures Committee to discuss the way forward. In the interim, the Scrutiny Panels and the Public Accounts Committee will follow the terms of the proposed code of practice as far as possible, except for access to legal advice. The code of practice will be brought forward for debate at the earliest opportunity once these important issues have been resolved.

5.2.1 Senator M.E. Vibert:

I have been concerned for some time that Scrutiny Panels in the Public Accounts Committee have been operating, for nearly a year now, without a code of practice. Can I ask: has consideration been given to bringing the proposed code of practice - except for the access legal advice - forward, so that at least Scrutiny would have a code of practice covering all other areas? Also, why, in the statement that the proposed code of practice is not going to be followed in full but only as far as possible, except for access to legal advice, is this caveat being included?

Deputy R.C. Duhamel:

Consideration has been given to coming forward to this House with a revised code of practice with the legal advice left out. That consideration of that way forward will be undertaken at the next Chairmen's Committee Panel meeting again. It was felt at the time that - because legal advice was of such importance to the consideration and the workings of the Chairmen's Committee, and indeed the other Scrutiny Panels - that a complete code was the way forward. This was the basis on which negotiations have been maintained from January with the Council of Ministers, of which the Minister for Education is a member. We have also considered whether or not an interim way forward might be to release the code in an RC form, as an interim measure. But, as I say, it will be further considered at the next Chairmen's Committee meeting. The second point has escaped my memory, sorry, Sir.

Senator M.E. Vibert:

The second point, Sir, was that why it was felt needed to have the caveat: The proposed code would be followed as far as possible, except for access legal file advice. Why would it not be followed in full, except for access to legal advice?

Deputy R.C. Duhamel:

I think that is just a terminology, and a phrasing, and it is down to the English. When it was written that way, it is obviously the intention to follow it to the letter, as far as possible, but with the exception for access to legal advice. Clearly, it cannot be followed fully because there is an exception to the legal advice part. That is the nature with which that sentence was written. It does not intend to mean that the Chairmen's Committee, and indeed the Scrutiny Panels, will make exemptions on an ad-hoc basis. Clearly, that would be unsatisfactory and indeed it was the intention of the Chairman's Committee, and all the Scrutiny Panel Chairs, to propose the code of

practice, which has gone through substantial discussions and been put forward in an agreed form to all.