

3.4 The Connétable of St. Mary of the Chairman of Privileges and Procedures Committee regarding the response to a breach of the privileges of the Assembly:

Despite advising me in writing on 3rd August that the Committee had considered that “a serious breach of the privileges of the Assembly” had occurred, will the Chairman advise why, one month on, the Committee has not even written to Members about the incident and will he confirm the Committee’s stance on this matter and advise how it is championing and defending the privileges of States Members?

Connétable A.S. Crowcroft of St. Helier (Chairman, Privileges and Procedures Committee):

The Privileges and Procedures Committee considered the complaint to which the question refers at its last scheduled meeting before the summer recess. Given the particular circumstances of the case, the P.P.C. (Privileges and Procedures Committee) concluded that it should seek advice from Her Majesty’s Attorney General before determining its position on the matter. Accordingly, on 6th August I wrote to Her Majesty’s Attorney General. States Members will be notified of the outcome of the relevant complaint once the Attorney General’s advice has been received.

3.4.1 The Connétable of St. Mary:

In fact the Chairman’s letter to me just simply said that there was no real point in pursuing the matter because the information had already been in the public domain for some weeks. Surely this does not back up the importance of having had a leak of privileged information in the first place and the Chairman did advise me that he would be writing to States Members deploring the action. I have yet to see such letter.

The Connétable of St. Helier:

I thank the Constable for her further question and indeed the minutes of the meeting to which I have referred do indicate the Committee’s stance that she asked for and indeed it is reflected in the constitution of the Privileges and Procedures Committee that we should indeed champion good procedure by States Members, good conduct and defend the privileges of Members, but I would refer the Constable to the minutes of 25th July, which are quite extensive and set out the Committee’s view. As I say, we felt it was worthwhile seeking Her Majesty’s Attorney General’s views before putting our position in writing to Members.

3.4.2 Deputy T.M. Pitman:

Given the continued slide into secrecy in recent years - only today I believe we were due to have an unprecedented top-secret super-injunction hearing next door aimed at crushing the rights of citizens, media and freedom of speech - does the Chairman not believe that the best message to put out now would be for P.P.C. to bring proposals to scrap in-camera debates and move to complete openness, upon from on issues such as national security?

The Connétable of St. Helier:

I think to state a view on in-camera debates by the Committee now would be premature. It is not something I have discussed with my fellow members. However, I can advise the States that, following this leak of an in-camera transcript on a blog site, the Greffier, following consultation with the Bailiff, has put in place a much tighter policy for Members’ access to in-camera transcripts. So I believe that what happened - and which I deplore - will not happen again because it would be very difficult for a Member, unless they have the memory powers of McCauley, to go into a transcript and come away with a full version.

3.4.3 Deputy T.M. Pitman:

Unless my memory plays tricks on me, which it could because of my increasing age, there was a very similar leak from an in-camera debate a few years ago by the *Jersey Evening Post*. Was the same process undertaken then by P.P.C.?

The Connétable of St. Helier:

I would have to take advice. I was not Chairman at the time.

Deputy G.P. Southern:

My question is irrelevant as the subject of this serious breach has become apparent to me.

3.4.4 The Connétable of St. Mary:

The breach occurred at the end of June. The P.P.C. meeting was at the end of July. The letter from the Chairman was on 3rd August. We are now at 11th September. Does the Chairman think that the length of time for which the information has been in the public domain should really be an influencing factor on the severity of the response or is it simply saying that if you are going to breach parliamentary privilege you should do so when the Committee is not due to meet for several weeks?

The Connétable of St. Helier:

I can only reiterate my suggestion that the Constable looks at the extensive minutes of that meeting in which she will see that the Committee took a very strong line over the leak and indeed the measures that have been put in place will now prevent a similar leak from taking place. So we feel that the delay occasioned by the summer recess and our need to get advice from Her Majesty's Attorney General more than justifies the time taken. I understand that we are going to get a reply to our letter very soon and, of course, I will then write very promptly to States Members as we said we would.

3.4.5 The Connétable of St. Mary:

Could I just ask the Chairman is that a part B item? Are the minutes published?

The Connétable of St. Helier:

Yes, that is a part B minute but I do not believe I have quoted from it. I have merely told the Constable what we are doing.

The Deputy Bailiff:

The question, Connétable, is it is not easy for the Connétable to read it. That was the point.

The Connétable of St. Helier:

I will take advice from my committee and find out whether the Constable would indeed be able to read it. I see nothing in the minute which is so sensitive that the Constable, as a previous chairman of the committee, should not have access to.