

STATES OF JERSEY



DRAFT STATES OF JERSEY (AMENDMENT No. 8) LAW 201- (P.33/2014): AMENDMENTS (P.33/2014 Amd.(3), Amd.(8)) – COMMENTS

**Presented to the States on 28th April 2014
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

P.33/2014 Amd.(3)

Lodged by Deputy J.H. Young of St. Brelade

Part 1

The Privileges and Procedures Committee broadly supports part 1 of the amendment of Deputy J.H. Young of St. Brelade. The Committee is of the view that either this amendment, or the amendment of Deputy J.A. Martin of St. Helier ([P.33/2014 Amd.](#) refers), would serve to provide an improved appointments and dismissal process for Assistant Ministers. In weighing up each proposed amendment, the Committee prefers the amendment of Deputy Martin, as it leaves the power to appoint an Assistant Minister with the relevant Minister, rather than placing it with the Chief Minister, as proposed by Deputy Young.

Part 2

The Committee does not support part 2 of Deputy Young's amendment. The proposed introduction of Advisory Panels is similar to the proposal of the Machinery of Government Sub-Committee to appoint Non-Executive Members to "provide advice and other assistance to each Minister" (recommendation 25 of [R.105/2013](#) refers).

The States did not support the proposed introduction of Non-Executive Members during the 'in Committee' debate on the Sub-Committee's recommendations on 9th October 2013. Concern was expressed regarding the potential impact upon Scrutiny, and the view was expressed that the Scrutiny function should instead be strengthened to ensure that Ministers were held to account. Ministers are already able to establish advisory groups as and when they see fit, and the proposal might have a detrimental impact upon the Scrutiny function.

P.33/2014 Amd.(8)

Lodged by Senator P.F.C. Ozouf

The Privileges and Procedures Committee wishes to refer members to the correspondence attached at the **Appendix** to these comments, which was received by the Committee from the States Members' Remuneration Review Body dated 24th April 2014.

“States Members Remuneration Review Body

24th April 2014

Deputy J.M. Maçon,
Chairman,
Privileges and Procedures Committee,
c/o States Greffe

Dear Deputy Maçon,

You will no doubt recall that in its last report, issued on 7th October 2013 (R.125/2013) to cover arrangements for this year, the Review Body said that it intended during 2014 to undertake a fresh round of public consultation in order to inform any recommendations it decided to make on elected members' remuneration for the period beyond the end of this year.

I write to inform you that the Review Body has now begun to initiate this. Our aim is to be in a position to publish recommendations by the middle of August. This timing is deliberate, so that citizens contemplating seeking nomination as candidates for election to the States, as well as any current members who might wish to seek a fresh mandate, will know what pay and allowances they may expect to earn or receive should their candidatures be successful. We are now working on the draft of a consultation document that would hopefully be ready for publication in May.

The Review Body has noted the amendment lodged recently by Senator Ozouf, which if passed would remove the current inhibition in the States of Jersey law on a pay structure for elected members that allowed for differential pay. The decision on that amendment is, of course, entirely one for the States to take but you and your PPC colleagues will know that we have mentioned from time to time, including in our last report, that we have received some submissions and views to the effect that a pay structure for members which allowed for differential pay would be desirable as a matter of principle, in line with virtually all other organisations public or private.

If the amendment is passed, or, indeed, any other outcome emerges from the debate upon it, we shall adapt our consultation document accordingly. If Article 44 was indeed repealed we are ready to consider how differential pay could work and would bring that into our public consultation. But we note too that repeal of Article 44 would not of itself require the introduction of differential pay, but rather would open a door to its being considered in the scheme of things.

I should be grateful if you take steps to ensure that the contents of this letter are drawn to the attention of members before next week's debate.

Yours sincerely,

Julian Rogers
Chairman, States Members Remuneration Review Body”