

STATES OF JERSEY

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DRAFT STATES OF JERSEY (AMENDMENT No. 3) (JERSEY) LAW 200 (P.143/2005): COMMENTS

**Presented to the States on 13th September 2005
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

The Privileges and Procedures Committee maintains its opposition to these amendments for the reasons expressed previously in its comment of 9th November 2004 (P.124/2004 Amd.(3)) Com. refers).

As stated in its earlier comments, when an identical amendment was considered and rejected, the Committee considers that the first amendment may be both unnecessary and potentially damaging to the rights of some members of the States. There is nothing in this draft Law, and the Committee has not proposed anything in the revised Standing Orders, that would prevent a Minister from speaking publicly or bringing forward for debate any matter in the way suggested in this amendment. It is difficult within the proposed system of ministerial government agreed by the States to envisage how the Council of Ministers would have any ability to prevent a Minister speaking out and lodging propositions if he or she wished to. If this amendment was adopted there could be an implication that other members, for example Assistant Ministers, were not free to speak publicly or bring forward matters for debate. It is for this reason alone that the Privileges and Procedures Committee does not support this amendment and not because the Committee supports any form of collective responsibility in the Council of Ministers. The Committee would have considered supporting an amendment if it had, for example, included reference to Assistant Ministers and others but does not support this amendment as drafted for the reasons given above.

On the matter of criminalizing false declarations of interest or a failure to make a relevant declaration, the Committee agrees that it would be a serious matter if any member made a false declaration of interests; however, the Committee does not believe that this should be a criminal offence in the way proposed in the amendment. Members are invited to familiarize themselves with P.98/2005, which highlights the difficulties associated with introducing measures that would effectively require the courts to interfere in the affairs of the Assembly, and also to review the Committee's proposals for reform of the disciplinary process for members, as outlined in the Draft Standing Orders of the States of Jersey (P.162/2005) and R.C.68/2005, before taking a decision.