

STATES OF JERSEY



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

**Presented to the States on 29th April 2014
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

Additional Comment

The Privileges and Procedures Committee does not support the amendment of Senator P.F.C. Ozouf.

This matter was last debated by the States when former Senator B.E. Shenton lodged the proposition “States members’ remuneration: reconsideration of 2011 increase and repeal of Article 44 of the States of Jersey Law 2005” (P.127/2010 refers). At the time, the Committee commented on the proposal to repeal Article 44 as follows –

“PPC is aware that the issue of differential remuneration is an extremely controversial one and a previous attempt to repeal Article 44, as suggested in paragraph (b) of this proposition was rejected. PPC recognises that the issue of repeal is, at this stage, largely a political decision for each member but PPC does not support the repeal as the Committee considers that the introduction of any system of differential remuneration would be extremely divisive at a time when many members have expressed clear support for a more inclusive system of government in Jersey. PPC would nevertheless draw to members’ attention the letter from the Chairman of SMRRB at the Appendix in which he indicates that SMRRB would be willing to consider wider options if the States took a political decision to repeal Article 44.”

The proposition was debated by the States on 21st October 2010 and the proposal to repeal Article 44 was rejected by 13 votes to 31.

In reflecting upon the content of Senator Ozouf’s report accompanying his amendment to P.33/2014, the Committee has made the following observations:

Senator Ozouf states that “The current level of remuneration cannot attract individuals to stand for the States and fulfil different roles with different time commitments”. When an individual stands for election it is not possible for them to ascertain precisely what time commitment they will be required give if elected as they do not yet know what role(s) they will be appointed to fulfil. This can only be achieved after members have been appointed to various roles by the States Assembly, and even then, it is difficult to precisely ascertain the time commitment required.

The Committee does not believe that different roles within the States automatically require different levels of time commitment. It cannot be stated, for example, that a non-executive member is required to work on a part-time basis or that a Minister or Assistant Minister is required to undertake a full-time role. The same is true for any other position that a States member might hold within Scrutiny or on bodies such as the Overseas Aid Commission, the Privileges and Procedures Committee, the Planning Applications Panel and the Legislation Advisory Panel, for example. The time commitment for any role within the States is not defined and is, to an extent, a decision for the individual member.

It is possible for Scrutiny members to work on more than one review at any one time, and serve on more than one Scrutiny Panel. It would therefore be possible to question why the Chairman of a Panel should be paid more than a member who is working on a number of Scrutiny reviews concurrently on different Panels, for example.

It could be argued that, if differential remuneration is introduced, States members might consider standing for appointment to as many positions as possible in the hope of receiving greater levels of remuneration, given the amount of responsibility they would then incrementally acquire. They may then find themselves in the position of having insufficient time available to complete the roles to which they have been assigned to the best of their ability. Is it envisaged that the level of responsibility of a member, and therefore their remuneration, would be recalculated whenever they took on, or resigned from, a position of responsibility?

With regard to Senator Ozouf's reference to constituency work, the Committee considers that members may need to commit more or less time to constituency matters depending upon the district or parish that they represent and the challenges that may be facing constituents in that area at any one time.

Constituency work is a central responsibility for all States members.

Senator Ozouf states that, "Unless of private means from private wealth or already retired in receipt of a private pension, the current system dissuades people from standing for the States who have more senior positions or experience". The overall level of remuneration received by members remains a matter for the States Members' Remuneration Review Body (SMRRB). It is not for States members to set remuneration at a level that would be attractive to those in senior positions outside the States Assembly. There is no guarantee that a senior person outside the States Assembly would achieve a senior position within the States Assembly and they may therefore only be entitled to a lower level of remuneration under a differential system.

The repeal of Article 44 would not serve, in isolation, to attract individuals from "senior posts available in the private or not-for-profit sectors" to stand for election. The terms of reference of the SMRRB would need to be amended to reflect this intention, should the States deem this to be desirable.

The Committee is not able to support the view that the repeal of Article 44 "would allow a more diverse group of candidates to stand for elected office" and "would achieve a better accountability for the different roles the public need the States members to have".

Senator Ozouf considers that the repeal of Article 44 would enable the SMRRB to set a members' pay scale without costing taxpayers more and that there are no financial or manpower implications arising from the proposition. If members agree to repeal the Article, it would be for the SMRRB to set the revised remuneration structure, and this could result in either an increased, or decreased, cost to the States. There is nothing to state that the remuneration granted is required to be retained within the current pay envelope.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

The Committee wishes to apologise to the Assembly that these additional comments on Senator Ozouf's amendment are late. Senator Ozouf's amendment was lodged after the two-week minimum lodging period for propositions scheduled to be debated on 29th April 2014 had passed and the Committee had already met to agree its comments on the amendments to P.33/2014. The Committee has since held a further meeting to

discuss Senator Ozouf's proposal and the Committee hopes that its views will be taken into account by Members.