

STATES OF JERSEY



STANDING ORDERS: PUBLICATION OF REGISTER OF MEMBERS' INTERESTS

Lodged au Greffe on 4th May 2011
by the Deputy of St. Martin

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to agree that Standing Order 154 should be amended to include a requirement for the Greffier of the States to publish the Register of Members' Interests on the States Assembly website and to permit the Greffier to make further arrangements for its publication as deemed appropriate; and
- (b) to request the Privileges and Procedures Committee to bring forward for approval the necessary amendment to Standing Orders to give effect to the proposal.

DEPUTY OF ST. MARTIN

REPORT

Apart from a few amendments, the current Standing Orders have been in place since they came into force in 2005 following the States' approval of P.162/2005, which was lodged by PPC on 9th August 2005.

Following the lodging of P.162/2005, there were a number of amendments lodged by States Members, including 24 by PPC in P.162/2005 Amd.(3), which it lodged on 13th September 2005.

In P.162/2005, PPC was proposing that the Register of Members' Interests should be published on the Internet. Standing Order 153, as originally proposed, read –

“153 Greffier to maintain register

- (1) The Greffier shall keep a register in which he or she enters all returns submitted and information notified by elected members regarding their interests.
- (2) Any person may inspect the register at the offices of the States Greffe during normal working hours.
- (3) The Greffier –
 - (a) shall publish the register on the internet website maintained by the States; and
 - (b) may make further arrangements for its publication.”

Apparently, after the lodging PPC received, and acceded to, a request from a States Member to remove paragraph (3). The rationale for the removal was given in the accompanying report as follows –

“Amendment 22

The Committee is proposing this amendment, which will take away the requirement for internet publication of the Register of Members' Interests, as a result of concerns expressed to it about the possible security implications for members and their families of this requirement. The Committee is conscious that its decision to bring forward this amendment could be seen by some as running counter to its usual commitment to freedom of information and it appreciates that some members of the States may not be supportive of this change. The Committee believes that further research needs to be undertaken on the appropriate manner to ensure that adequate public access to the information contained in the Register is possible whilst nevertheless not putting members and their families at risk. It is possible that further changes will be proposed to these provisions in the future.”

I don't know what the possible security implications were, but it does seem odd that there are no apparent security implications when someone inspects the Register at the offices of the States Greffe during normal working hours.

As I was not a member of PPC, I was not party to the discussion which led it to accede to the request, but one gets the impression that it took the easy option, even though it ran counter to its usual commitment to freedom of information.

There were no Hansard reports in 2005, but the States Minutes record that amendment being approved on a standing vote.

Since 2005, anyone wishing to inspect the Register must attend the States Greffe, whose staff must stick to the letter of the Standing Order and allow the Register to be 'inspected' but not copied.

In its reasons for the removal, PPC believed that further research needed to be undertaken on the appropriate manner to ensure that adequate public access to the information contained in the Register is possible, whilst nevertheless not putting members and their families at risk.

It further stated it was possible that further changes would be proposed to these provisions in the future. I do not know what research needed to be undertaken before paragraph (3) was included and then removed, or indeed what research has been undertaken during the past 5 years, but it is evident that such caution was misplaced.

That being so, there is no reason why further changes as envisaged by PPC cannot now be made, particularly as there has been no evidence of any security risks that had been of concern.

There is a welcoming move towards more openness and accountability; therefore it is nonsense, particularly in our electronic age, that information that is available in hard copy cannot be made available electronically. Also, why should it be necessary for anyone to visit Morier House and waste officers' valuable time in making the Register available and ensuring that the contents of the Register are "inspected" but not "copied." What is it that is so secretive?

In its 2005 reasons for removal recorded above, PPC stated that it was conscious that its decision to bring forward the amendment could be seen by some as running counter to its usual commitment to freedom of information, and it appreciated that some members of the States might not be supportive of the change.

I will not comment on the time it has taken successive Committees to bring forward the Freedom of Information Law, but there is no doubt that its decision to remove paragraph (3) did run and still runs counter, not only to PPC's commitment to freedom of information, but also to that of many States Members. PPC was also correct in stating that some members might not be supportive of the proposed change.

I could never understand why paragraph (3) was removed in the first place, and 5 years on there is no reason why it should not be restored. By doing so, it would remove an anomaly and also lead to a saving of States Greffe officers' time, and inconvenience to the public.

It should be noted that as a result of subsequent amendments to Standing Orders, the original Standing Order 153 is now Standing Order 154.

Financial and manpower implications

There are no financial or manpower implications for the States arising from this proposition.