

STATES OF JERSEY



ELECTED SPEAKER AND DEPUTY SPEAKER OF THE STATES ASSEMBLY: SELECTION AND APPOINTMENT (P.84/2017) – SECOND AMENDMENT

Lodged au Greffe on 20th October 2017
by Senator P.F.C. Ozouf

STATES GREFFE

ELECTED SPEAKER AND DEPUTY SPEAKER OF THE STATES ASSEMBLY:
SELECTION AND APPOINTMENT (P.84/2017) – SECOND AMENDMENT

PAGE 3, NEW PARAGRAPH (3) –

After paragraph (2), insert the following new paragraph –

“(3) to request the Privileges and Procedures Committee to bring forward the standing order changes necessary to enable a specially-constituted scrutiny panel, comprising at least one Minister or Assistant Minister as well as backbenchers, and representative of opinion across the Assembly on the question of the Speakership, to scrutinise draft legislation arising from this proposition, and for that specially-constituted panel to be the relevant scrutiny panel for the purposes of calling in such legislation for scrutiny under Standing Order 72”.

SENATOR P.F.C. OZOUF

REPORT

This amendment provides for a special, dedicated Scrutiny Panel to consider all the legislation and associated arrangements necessary to give legal effect to the new arrangements for the Presiding Officer of the States Assembly, should those be adopted.

For reasons that are well-rehearsed, currently Ministers or Assistant Ministers are not permitted to be members of Scrutiny Panels, as it is Ministers who normally propose draft legislation. This is because, with legal collective responsibility, serving on a Scrutiny Panel creates a conflict of interest.

The drafting of the legislation for the revised arrangements for the Presiding Officer is something that matters to all Members. Therefore this proposal allows, exceptionally, for a special Panel capable of comprising both Ministers, members of Scrutiny and backbenchers. This Panel would need to be balanced in terms of views on the matter – that would also be up to the States to decide.

The Chairman of the special Panel would be appointed by the Assembly to lead the important task of chairing a Panel to scrutinise the legislation for the elected speaker. In addition, the Panel would test and challenge all the associated political policy matters that would implement any new arrangement.

The States would elect the Chairman and membership of the Panel for the remaining period of this Assembly. The new Assembly would be free to continue that arrangement if it wishes.

The justification for this is that it is of such importance that a dedicated Panel is necessary to look at it, rather than the work being done on the side of the desk by the Corporate Services Scrutiny Panel, who already have a massive remit.

The equally hard-pressed Care Inquiry Panel would not have this additional important task to perform, which in any event is not a matter that flows just from the Care Inquiry.

This is an exceptionally important piece of legislation that affects all States Members, which is why membership of the Panel should be drawn from Ministers or Assistant Ministers and all sides of the Assembly who might otherwise be excluded from a normal Scrutiny Panel.

This is hopefully a fairer and more inclusive approach for an exceptional case where a Panel would not be scrutinising ministerial legislation.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from this proposed amendment.