

3.5 Deputy C.F. Labey of Grouville of the Chief Minister regarding the extension of the Freedom of Information (Jersey) Law 2011 to wholly-owned or majority-owned States entities: [1(640)]

Given the adoption in November 2014 of my proposition P.149/2014, questions I asked in February 2016, January 2017 and July 2017, and previous advice from the Chief Minister that work was under way and that he would bring forward measures to include wholly owned and majority-owned States entities within the Freedom of Information Law, will he state what has happened and why that decision of 3 years ago has not been implemented?

Senator I.J. Gorst (The Chief Minister):

I outlined in July a review and that review is taking longer than anticipated. I am sorry to say that that remains the case. Therefore, in the final months of this term of office I will do what I can to deliver on the Assembly's decision.

3.5.1 The Deputy of Grouville:

I would like to understand a bit further about this delay. Is it a case that it is not a priority of the officers that are meant to be working on it, that they do not have enough time, or is it a lack of political will? Because, after all, it was the Council of Ministers who predominantly voted against this coming forward. So, I would like to understand where the delay is.

Senator I.J. Gorst:

It is probably all of those areas. Officers in my department, particularly officers undertaking this review, are extremely busy. It is quite a complex area to separate out those areas that would be the subject of F.O.I. (Freedom of Information) and those that would be commercially sensitive. There are another number of improvements and refinements to F.O.I. that need to be made and if I am honest I have to say that with all of the other workload that I have had I have not given it the priority that I ought to have done. That is why I gave the commitment that I did at the end of the answer.

3.5.2 Senator S.C. Ferguson:

I cannot see that this is that complicated, and it would prevent extreme frustration for the public. Would the Chief Minister give an undertaking that this will be brought in before next May?

Senator I.J. Gorst:

I am not going to make a double error. It has taken longer than I had hoped for and I can do no better than to say that I will do all that I can to try and deliver a decision to this Assembly in order for them to vote on it.

3.5.3 The Deputy of St. John:

Could the Chief Minister explain why a review is needed in this respect? The States agreed that the actual companies should come under the Freedom of Information Law, so is the Freedom of Information Law being changed because of the companies or because there are problems with the Freedom of Information Law?

Senator I.J. Gorst:

A review was started to cover the bringing together of these companies. When we started that review, we became aware - and I think have been aware for quite a while - that there are some deficiencies, some areas where the public should have greater access to information and some areas, in order to deliver appropriate policymaking conversations, there needs to be refinement in those areas. It is possible that we could perhaps pull it out of that review and just bring those changes forward, but it would leave the other areas which are deficient then to a second stage.

3.5.4 Deputy R. Labey:

When the States Assembly backs a Back-Bencher's proposition, as with the Deputy of Grouville's P.149/2014, and that decision is not enacted by the Council of Ministers, is that a deliberate - and considered appropriate - assault to the primacy of this Assembly or just an accidental one?

Senator I.J. Gorst:

It was not deliberate. I could have stood up here, as I have done on other occasions, and given several convoluted excuses. That would not be right. It has not happened. I stand to say sorry that it has not happened as I did in my opening comments, and I will endeavour to correct that situation.

3.5.5 The Deputy of Grouville:

I am willing to accept that the laws might be complex, but they are not so complex. If these entities were part of the States - they were States departments before and if they were still now - they would be subject to Freedom of Information. The Parishes have done their bit. They have come within the law, so it is not beyond the wit of man to get these entities covered by the Freedom of Information Law. I am not prepared really to accept that as an excuse, but what I am absolutely not prepared to accept is the lack of political will. Because when I offered that as a possible reason that it has not come forward, the Chief Minister said all of those reasons. Well, I am not ...

The Bailiff:

The question?

The Deputy of Grouville:

The question is: does he not agree this is unacceptable?

Senator I.J. Gorst:

I do agree it is unacceptable. It would be disingenuous of me to say that I have to admit that it has not been a priority with all of the other priorities that I have had to navigate over the last 3 years. I stand to say I apologise to the Member for that and I will do what I can in the remaining months of this term of office.