

2.8 Deputy G.P. Southern of the Chief Minister regarding the provision of legal advice to both the Executive and non-executive arms of Government:

What consideration, if any, has been given to reviewing the position on the provision of legal advice to both the Executive and non-executive arms of Government?

Senator F.H. Walker (The Chief Minister):

As a Member of the Chairmen's Committee, the Deputy will be aware that detailed consideration has been given to this subject by both the Executive and non-executive arms of Government. In particular, consideration has been given to the issue of whether copies of legal advice given to the Executive by the Law Officers Department may be shared with the Scrutiny function. A meeting of the Council of Ministers, the Scrutiny Chairmen's Committee and the Attorney General to discuss this issue is scheduled for Friday, 21st July - this Friday - and it is hoped that the discussion on this matter will soon be brought to a conclusion.

2.8.1 Deputy G.P. Southern:

In the spirit of working together, it says in P.122, talking about the Policy, Privileges and Procedures Committee: "The Committee's proposals will not detract from the power of the States Assembly and the function of the Assembly as the Island seat of Government will remain paramount." Is he aware that the arguments still currently going on between Scrutiny and Ministers on the one hand, and the Attorney General on the other, make that position about the paramount nature of the States contained in P.122 unviable?

Senator F.H. Walker:

Absolutely not, that is totally wrong. There is no doubting the supremacy of the States and that is not the issue. The issue that has been debated is complicated, it has strong legal connotations to it and what I suggest the Deputy should do is make sure he attends the meeting on the 21st where the Attorney General will be present together with Ministers to discuss this matter and to seek to find the best way forward.

2.8.2 Deputy G.P. Southern:

Unfortunately I am committed to a Corporate Services public hearing on that day and will be unable to attend, however, I will be sending my Vice-Chairman and I shall make sure that he is fully briefed on the issues. Nonetheless, the position remains, I believe, that unless Scrutiny can have access to legal advice given to Ministers, it cannot fully participate in sharing the policy in formulation required to ensure the co-operation that both the Minister and myself wish to see. Surely, we need a resolution to this which enables Scrutiny to fully participate in the decision making process of Government.

Senator F.H. Walker:

We do need a solution which enables Scrutiny to fully participate in the machinery of Government and the process of Government. What the best solution to that may be is yet to be decided and that is the purpose of the meeting on the 21st, and should I say, that is not the first meeting on this subject, it is probably the fourth, fifth or even sixth

meeting on the same subject. It is a very complex, difficult issue and in the best interests of this Assembly and Jersey we need to ensure we come up with the right answer.