

3.12 Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding the delay in progressing a Freedom of Information Law:

During his nomination speech for the chairmanship of the Privileges and Procedures Committee in December 2005, the Chairman advised the Assembly that if appointed he would seek to progress a Freedom of Information Law as soon as possible. Would the Chairman explain why there has been such a substantial delay in bringing this Law to the Assembly?

Connétable D.F. Gray of St. Clement (Chairman of the Privileges and Procedures Committee):

I believe that the Deputy's question has been comprehensively answered in the report which accompanies R.60/2007: Freedom of Information (Jersey) Law - Second Consultation, which was issued to Members and the public yesterday. The Deputy I am sure would acknowledge that this is a major piece of legislation which needs to be right and suitable for a small island. The initial consultation on the first draft drew attention to the need for the Law to be simpler and also to have its resource implications investigated. The new draft Law in P.P.C.s (Privileges and Procedures Committee) opinion is simpler and more suited to the Island's requirements. We are extremely pleased that the Corporate Services Scrutiny Panel has agreed to review the resource implication and will do so in the first quarter of 2008. I am still fully committed in putting a Freedom of Information Law on the Statute Books as soon as practically possible.

3.12.1 Deputy R.G. Le Hérissier:

Would the Chairman not concede that after a possibly over-the-top bout of research and consultation the first draft was put forward and he accepted that as a draft to go for law drafting. It was already, as he stated, ready for law drafting, as he also stated in December 2005. We now appear to be on the third or fourth round of consultation. We now appear to have appointed Scrutiny as a body learned in the assessment of resource implications. Would he not accept that there is an almost stalling process going on here and that there are people who basically do not want this Law to go forward?

The Connétable of St. Clement:

No, Sir, I would not agree with that. As I said in my statement, we want a Law that is simpler and also affordable for the Island. I would point out to the Deputy that we do not appoint the Corporate Services Scrutiny Panel. We ask them if they would be willing to do the review and they have agreed to do so.

3.12.2 Deputy R.G. Le Hérissier:

If the Chairman was so intent on progressing this as fast as he originally suggested he wished to see it progressed, why did he not employ somebody, or go to some individual who was learned in this particular kind of legislation to get a report? This is now going to stretch for months and months and months. Four rounds almost I suspect of consultation, and people are beginning to think that there is some kind of ulterior motive why this Law is being delayed so long. It is just unconscionable.

The Connétable of St. Clement:

I can just only repeat what I have said before that we want a Law that is simpler to operate and we need to have the consultation to get that, and unfortunately Corporate Scrutiny cannot fit the review into their programme before 2008. We would like it sooner, but we are in Scrutiny's hands on this matter.

The Bailiff:

Deputy Scott Warren, final supplementary, please.

3.12.3 Deputy C.J. Scott Warren:

How can the Chairman of Privileges and Procedures give this House an assurance that with this delay this Law is not in fact going to be watered-down, because I did believe that the draft that we had in the former Committee was well-researched and a good one. Thank you.

The Connétable of St. Clement:

I can give the Deputy that assurance; it will not be watered-down. It will be a Law that is fit for the Island and strong.

3.12.4 Deputy R.G. Le Hérisier:

Just a final supplementary. Although the Chairman resorted to the report as an explanation, could he tell the House why in possession of a full draft, full research, full prior consultation, it took 19 months to reach the conclusion a simpler version was required?

The Connétable of St. Clement:

I am not certain that it did take that time. The problem I think was that we probably consulted a little too much and in consultation we found that the Law in that form was not workable. We have tried to progress it as quickly as possible.