

3.15 Deputy M. Tadier of the President of the Chairmen's Committee regarding Scrutiny Panel meetings held either wholly or partly in secret:

How many of the recently constituted Scrutiny Panel meetings have been held either wholly or partly in secret?

Deputy T.A. Vallois (President, Chairmen's Committee):

There have been a total of 12 Scrutiny Panel meetings since the appointment of the panel members on 24th November 2011. All meetings have been held in accordance with Standing Orders and the Code of Practice for Scrutiny Panels and P.A.C. (Public Accounts Committee) with agendas and approved Minutes being made in public. Not one has been held in secret.

3.15.1 Deputy M. Tadier:

I asked this question on the back of a local journalist who has blogged and said that he finds it very strange that certain agendas, in fact - which seem to conflict with what I have been told by the president, I am not sure which answer is true - have been made in private in secret. I simply want an assurance from the president, irrespective of what Standing Orders say, that there should be a presumption in general that all Scrutiny meetings should be held in public unless there are very good reasons to hold them in private. I think it is important that if she would consider sending a strong message out to chairmen that unless there is a very good reason to hold meetings in private, then they should be open to the public because currently the Scrutiny website states that panel meetings where they discuss agendas, *et cetera*, are closed and not open to the public and that does not need to be the case. It certainly was not the case when I was on Scrutiny.

The Deputy Bailiff:

Is there a question?

Deputy M. Tadier:

There were several questions, I think, Sir, so I will allow first of all the respondent to choose which one she wants to answer, as they do anyway.

Deputy T.A. Vallois:

As the Deputy will be aware, the purpose for Scrutiny meetings is for panel members to consider their work programmes, ongoing and new matters which have arisen and working arrangements for reviews. In panel meetings, members also consider progress of reviews, submissions received, sometimes in confidence, and generally to consider work in progress, report drafting and production of final reports. It has been agreed, therefore, that all Scrutiny working meetings will be held in private in accordance with the relevant Standing Orders. All public hearings whereby we question Ministers or witnesses before Scrutiny Panels will be held in public. This was agreed with the Chairmen's Committee meeting by all chairmen on I think it was the December meeting last year.

3.15.2 Senator I.J. Gorst:

The president has more or less answered my question in that it is wholly appropriate that there are times when Scrutiny Panels should meet in private, particularly when they are considering the

contents of their reports and when they are considering question strategies for Ministers and does she not agree? I believe she does.

Deputy T.A. Vallois:

Yes.

The Deputy Bailiff:

Can I ask Members to remember that this is question time. It is not a time for debate.

3.15.3 Deputy G.P. Southern:

Does the president not agree that this, in fact, constitutes a major change in the way in which Scrutiny is run and that it constitutes further a lessening of transparency of what is happening in Scrutiny and is she concerned about this?

Deputy T.A. Vallois:

No, I do not believe it does lessen the transparency and the reason why I say that is there is nothing statutory that determines that Scrutiny should sit in every single meeting in public. The meetings that will be held privately will be determined with minutes and agendas that will go public, live on the website, and administered to anyone who wishes to see that information and through the bookshop at the Greffe. Every public hearing whereby the questions are relevant to the review at hand will be held in public. At this present time, there is nothing statutory that determines Scrutiny should hold absolutely every meeting in public. That never has been the case and at the moment is not the case.

3.15.4 Deputy R.G. Le Hérisssier:

On the question of openness and the public, the very vexed question continued for some time of whether there should be videoing or recording in a visual way of proceedings. Would the president outline to us, in the light of their policy on what is or is not public, whether they will be continuing with the videoing of public proceedings by all people who seek to promote journalistic occupation?

Deputy T.A. Vallois:

This particular topic was discussed at the last Chairmen's Committee meeting, which unfortunately I was not well for. It was determined that, going forward, only accredited media would be able to video Scrutiny meetings for the first 5 minutes of each hearing and we are looking into web streaming coming forward. We have also asked P.P.C. with regards to this but we are looking into it ourselves with Scrutiny at present.

3.15.5 Deputy T.M. Pitman:

Sadly, Deputy Le Hérisssier has stolen my thunder. I am one of 11 members I think who saw Scrutiny through from start to finish. This was a continuing issue. It was never dealt with. Does the president not concede that this really should be dealt with in a fair way, that we get something in place so that everyone can sign up to a proper code of conduct? If they break it, they can no longer ... this 5 minute thing, it is absolute nonsense. Does the president not agree?

Deputy T.A. Vallois:

In my own personal view, I think the best way forward for Scrutiny is web streaming and that is the absolute 100 per cent way that the Chairmen's Committee agree on. That will open up to everybody to be able to see straight via the internet and there will be no more questioning about this videoing from whether they are accredited or non-accredited. Everybody should be able to access and see the information with regards to public hearings for Scrutiny. It does concern me and it is worrying that it is going to take a while for it to come forward but at present, that is our standardised approach that the Chairmen's Committee have agreed and will be agreeing going forward and we will not be reviewing it at least for another 12 months.

3.15.6 Deputy T.M. Pitman:

Could I just ask a supplementary, whether the president can say is streaming even something that is feasible with the expense? Is that not a red herring?

Deputy T.A. Vallois:

No, that is something that we absolutely want. We are looking into it. We are looking into how much it is going to cost. We are looking into what needs to be done with regards to Property Holdings coming in and sorting out the rooms and once we have that information we will determine it. P.P.C. are again reviewing whether they want web streaming, *et cetera*, but Scrutiny want to look into this and get it in place as soon as possible.

3.15.7 The Connétable of St. John:

Would the president confirm or otherwise, of those Members who have asked questions of her this morning in relation to this subject, how many of them sit on Scrutiny currently and those who are not new Members, i.e., who have been in the House longer, is she concerned that they have not put their name forward for Scrutiny, given if they are aware of how Scrutiny runs and should not be putting these questions if they are not willing to serve on the panel?

Deputy T.A. Vallois:

Unfortunately, it is up to each individual Member. It is their prerogative as to whether they want to serve on Scrutiny or not. I wish that many of the Members that have asked me questions would serve on Scrutiny because they have extreme talent and knowledge that would help us with the process and the procedure. Unfortunately, I understand their concerns and I know how they felt over the last 3 years and unless we were willing as an Assembly to work together to make Scrutiny work, then I do not see those Members serving on Scrutiny unless we can show that it can and will work.

3.15.8 Deputy M. Tadier:

So much for transparency. It seems that only Scrutiny members should ask questions of Scrutiny. Perhaps Ministers should only be the ones allowed to question Ministers. Now, I have no problem with agendas where question plans are being set being done in private. That is why we have 'Part A' and 'Part B' agendas. What concerns me here is we have had a recent decision, that the president has confirmed, in December that panel meetings should be held in private, not may but should. Previously the discretion, as I understood it, was that it was the decision of the panel to decide what goes on the 'Part A' agenda, what goes on the 'Part B' agenda, so that all meetings are open to the public at least initially. Will the president give a reassurance because I think there is a tacit agreement that Scrutiny should be held in public, indeed, all government should be where possible. Will she give an undertaking to review this again at the next Chairmen's Committee

meeting and to make sure that nothing goes on a private agenda, whether that is 'Part B' or a closed panel meeting, unless it is absolutely necessary because we should not be closing the public from anything where they have got a vested interest to know what is going on.

Deputy T.A. Vallois:

The Deputy suggests that we are closing off the public by having our Scrutiny meetings and when I say meetings, it is referring to looking at our drafts, our questions, our reviews, what we are going to be doing, as if we are doing it in private and away from everybody else and do not want anybody to know what is going on. That is not the case. Everything that will be discussed at those meetings will be minuted and will be available to the public. We have already discussed this at the Chairmen's Committee and it has already been agreed that we will be holding these meetings in private and I am reluctant to look at this situation again at the next meeting. I am willing to see how this goes for the next 6 months and possibly look at looking at it then but unfortunately I am not going to continue re-looking at things just because one Member outside of the Chairmen's Committee is not happy with the way that we are proceeding. We have agreed on a standardised approach. We want to move this forward. We want to make Scrutiny work and that is the way that the Chairmen's Committee believe is the best way to do it. [Approbation]

3.15.9 Deputy M. Tadier:

If I can just respond to say that it is not simply one Member outside. The question is, to quote the words of the president, if everything that goes on in the meeting is minuted anyway and the public can access it, then why do we not simply allow the public to go into the meetings in the first place so that they do not have to have second-hand information?

Deputy T.A. Vallois:

I believe I have already answered the fact that the Chairmen's Committee wish to go forward with having their meetings held as per Standing Orders where the minutes and agendas will be put forward in public and all public hearings can be accessed by the public whereby they can come and see what is going on and the questions that are being asked of witnesses.