

4.8 Deputy T.M. Pitman of the Chairman of the Privileges and Procedures Committee regarding a review of the current operation of Standing Order 109(7):

Would P.P.C. (Privileges and Procedures Committee) agree to review the current operation of Standing Order 109(7) which relates to the removal of names of individuals named within the course of States questions or debates to ensure it is operating adequately?

Deputy J.M. Maçon (Chairman of the Privileges and Procedures Committee):

Standing Order 109 is only used when Members themselves have breached Standing Orders by naming the individual during a States sitting. Members should take it upon themselves to abide by Standing Orders so that intervention by the presiding officer under Standing Order 109 is not required. Standing Order 109 is not used frequently and the Privileges and Procedures Committee has no evidence that it is not operating adequately. May I take this opportunity to remind Members of Standing Order 104 which is: "Contents of speech 2.1, that States Members must not refer to any individual who is not a member of the States by name, unless use of the individual's name was unavoidable and of direct relevance to the business being discussed." Finally, as the Deputy will be aware, as he sat on the Sub-Committee looking at Standing Orders, we have just had an extensive review into Standing Orders and from that, this particular Standing Order was not highlighted for review. Given that quantum of work, the Privileges and Procedures Committee has no intention to further review this particular Standing Order.

4.8.1 Deputy T.M. Pitman:

Perhaps the Chairman has a short memory if he has no evidence. But how can it be right that we have a brave man, former S.I.O. (Senior Investigating Officer) Lenny Harper, who tried to uncover decades of child abuse concealed by the State, forever slurred on Hansard as an incompetent maverick? Yet, on the other hand we have individuals with serious questions to ask about the undermining of child abuse investigations, including one convicted criminal whose names are removed?

Deputy J.M. Maçon:

All I can say is that we have Standing Order 104, which states that we should not be referring to named individuals unless there is no other way of expressing that within this Assembly.

Senator P.M. Bailhache:

May I raise a point of order? The Deputy used a name in the course of that last question to the Chairman of the Privileges and Procedures Committee, which, from the Standing Order that the Chairman has read out, seemed to me to be unnecessary and I ask that you exercise your discretion to delete the name from the record of the Assembly.

The Bailiff:

The context in which the Deputy asked it was not critical of that individual so I do not see it as necessary to demand its removal.

Senator I.J. Gorst:

Could I ask for clarification of the order as it seems ...

The Bailiff:

No, I do not think so. It is a matter for the Chair to pick up on these matters on the whole and the Chair endeavours to hold a balance. Sometimes, as the Standing Orders say, it is unavoidable to give names in order to make sense of it. Other times it is not. The Chair has a judgment call. We do not want a prolonged debate with every single Member popping up to say that they think it should be exercised in a particular way.

4.8.2 Deputy M.R. Higgins:

I was going to ask the Chairman of Privileges and Procedures Committee, there is a bit of a nonsense around this whole area because, for example, at Scrutiny hearings, we can get evidence from members of the public whose names are published but officers hide behind titles. We are not allowed to name the officers, so in many cases they commit all sorts of errors and escape because no one knows who it was or who was in place at the time. Do you not think it is crazy that, on the one hand, members of the public who give evidence are quoted and can be criticised for their evidence and yet officers cannot?

Deputy J.M. Maçon:

While I acknowledge that there may be an inconsistency there, nevertheless it is for Scrutiny to decide how Scrutiny's protocols are decided. If the Deputy felt that that should be changed then the first port of call would be to have a dialogue with the President of the Chairmen's Committee. As I say, it is for Scrutiny to decide how Scrutiny operates.

4.8.3 Deputy T.M. Pitman:

I know that 2 Senators over there are very sensitive about child protection failings. However, I would like the Chairman to deal with the issue. I used that name because he is forever slurred on Hansard. He has not been found guilty of any offence and yet other people, who do have questions to answer, always have their names removed at the order of the Chair. Will he not, with his Committee, investigate getting some consistency in this? That is all I wish to know.

Deputy J.M. Maçon:

What I will do is I will have a further conversation with Deputy Pitman to understand what he means by what type of investigation he would want as I am not entirely sure how we should proceed or what outcome is desired, but I would not want to reject something totally without fully understanding what is being asked. I would make that offer to him.