



Scrutiny Office

Connétable of St Clement
Chairman, PPC
Morier House
St Helier

5th May 2017

Dear Chairman,

Legislative Scrutiny

As you will be aware from previous correspondence, the Chairmen's Committee has been examining opportunities to appropriately update Standing Orders with the aim of ensuring that the States Assembly's Scrutiny Panels and the PAC are provided with a framework to enable them to operate as effectively as possible as a key component of the machinery of government. Consideration has been given to benchmarking such opportunities against common practice found in established Commonwealth parliaments. This has been undertaken in conjunction with ongoing work to update the Scrutiny and PAC Code of Practice and the States of Jersey (Powers, Privileges and Immunities) Regulations.

A notable area that we have discussed, and are very keen to see implemented shortly, is improvement to the process of legislative scrutiny. As part of our work on this matter, the Committee responded in April 2016 to the consultation carried out by PPC's Standing Orders Sub-Committee (Standing Orders Review). We commented on the Sub-Committee's proposal that '**All legislation should be scrutinised as a matter of course**' as follows.

The Committee is in firm agreement with this suggestion. It proposes that (with the appropriate resources provided via the States Greffe's Scrutiny Office) it would be most practical, efficient and effective for this responsibility to fall to the existing Panels, with the back-up of Review Panels should the need arise.

The Committee suggests that Standing Orders should provide for all legislation to be automatically referred to Scrutiny at the point of lodging. The relevant Panel would then be required to inform the Assembly about any further intended scrutiny of that legislation at the second meeting of the States following lodging. In a number of cases, it may well be that this period has provided adequate time for a Panel to ascertain, via a briefing etc – and notwithstanding earlier work that can be achieved through good communication between Ministers and Panels - that no further work is envisaged at that time. In these circumstances, to provide clarity and information, the Panel would still report on the work it has done and its conclusion(s) in writing to the States. If on the other hand a Panel is to undertake further work, the relevant Panel would report to that effect and nominate a date for completion of its work, which (unless the States agrees to allow longer) will be no later than the fourth meeting after informing the States.

It is anticipated that all legislative scrutiny would be completed within the phase outlined above, which could be reflected in the relevant Standing Orders. However, if this process (or similar) is approved, the Committee would suggest that the principal of enabling referrals similar to those in SO72 should remain, established between second and third readings to account for cases of unforeseen matters arising during debates.

Having recently re-visited this area, we have agreed to write to inform you that, whilst we maintain almost all of the above, we do now believe that the the establishment of a permanent 'Legislative Scrutiny Panel' as back-up capacity to the existing Panels would be preferable to using Review Panels for such purpose. I attach an outline framework to help illustrate how our proposals may work.

You will also see attached a parallel proposed framework for the scrutiny of Propositions. This appears to be a timely opportunity to revise this area, which we suggest would be of benefit in a number of ways, including:

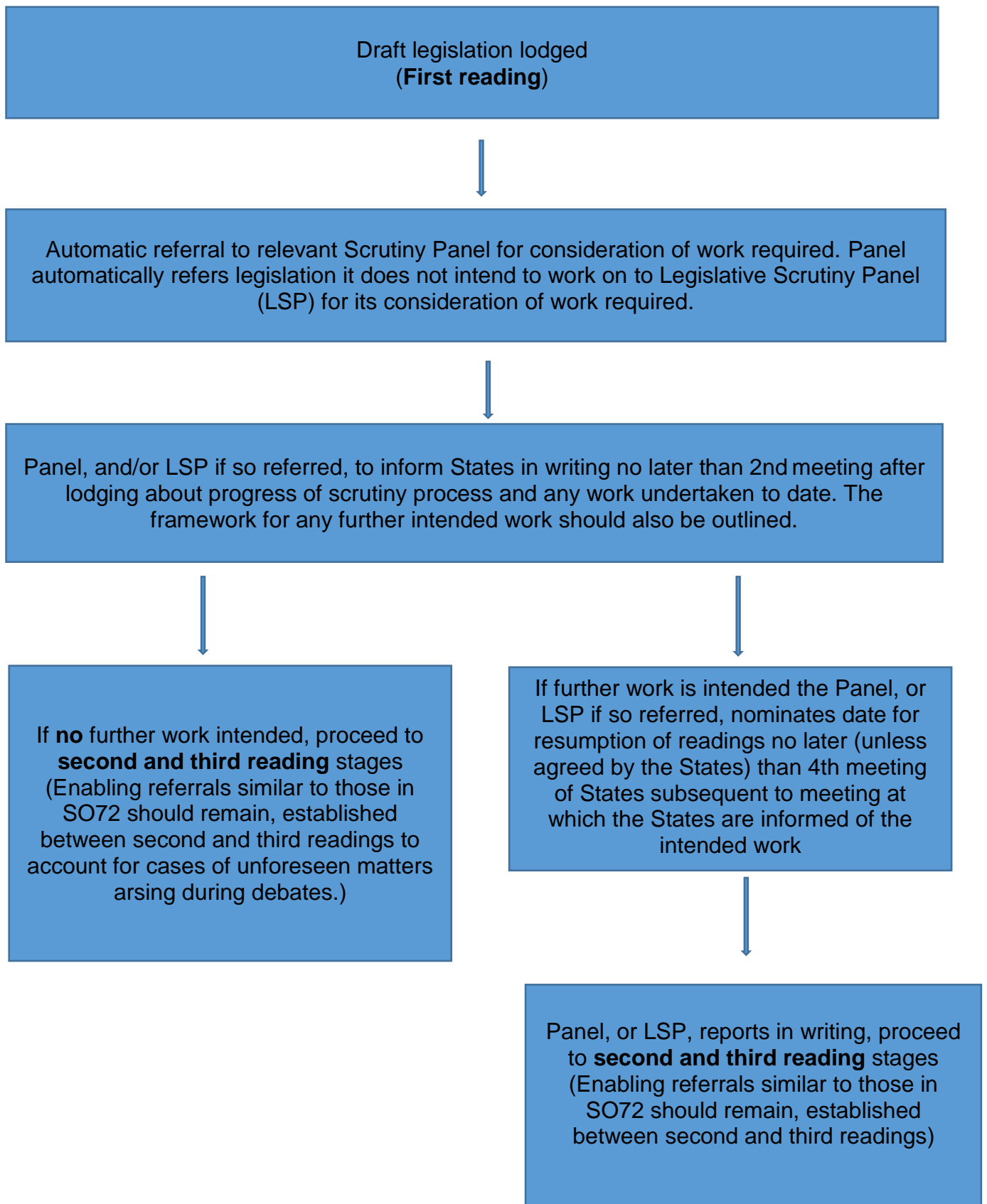
- help underpin the importance of Scrutiny within the machinery of government
- provide far more clarity and certainty to Ministers and those Members serving in Scrutiny about the timing of scrutiny work, reducing the confusion and conflict that arises within the current framework
- encourage more effective, focused and timely scrutiny as a result of the certainty of process
- encourage meaningful and earlier engagement between the Executive and Scrutiny as policy develops (eg briefings on progress and communication about forthcoming work), due to the certainty of the initial stage of referral to Scrutiny
- provide the opportunity for greater inclusivity of members in policy development, due to the guaranteed initial referral stage (eg see above bullet point)
- as a result of all of the above, provide for better and more informed policy and decision making

My Committee believes that these are important, priority matters and we would be grateful if you could provide us with an update about the progress made developing related amendments to Standing Orders and the anticipated timeframe for such proposals to reach the States Assembly. We would be very happy to discuss our ideas with you if that would be of assistance, and/or comment on any proposals you may have developed.

Yours sincerely,

Deputy J.A.N. Le Fondré
President, Chairmen's Committee

Chairmen's Committee: Outline Proposal of framework for Legislative Scrutiny



Chairmen's Committee: Outline Proposal of framework for Scrutiny of Propositions

