

STATES OF JERSEY

r

DRAFT STATES OF JERSEY (AMENDMENT No. 3) (JERSEY) LAW 200 (P.143/2005): COMMENTS

**Presented to the States on 13th September 2005
by the Policy and Resources Committee**

STATES GREFFE

COMMENTS

Senator Syvret appears to misunderstand the concept of collective responsibility in the context of the Council of Ministers. He portrays it as an act of collective enforcement where the Council of Ministers or the Chief Minister is able to force a Minister to take or support actions which that Minister totally opposes. There is nothing within the States of Jersey Law or the draft Standing Orders which would enable that to happen and the Policy and Resources Committee believes it would be wrong in principle.

The Committee believes that the Council of Ministers should be expected to work as a team in the best interests of Jersey. This will mean constructive debate and discussion in which Ministers respect each other's points of view and confidences. It may mean from time to time that an individual Minister has to accept that the wider good of the Island may require them to compromise on an issue.

The concept of team-working does mean that the Council of Ministers should be expected to resolve any differences between themselves. If the Council of Ministers is not working as an effective team it will not be able to deliver the States' Aims in the most effective manner. Indeed it will be merely reinforcing the outdated silo-working that the States is committed to changing. If such circumstances were to arise, that person and their colleagues would need to consider whether they remain a member of the Council of Ministers.

However this is very different to the Chief Minister of the Council of Ministers being able to prevent a Minister from speaking out or bringing a matter to the States. The amendment is therefore unnecessary. Indeed the Committee believes it is inappropriate to include a provision in the law which says a Minister should not be prevented from taking an action, when there is neither intent nor any ability anywhere else in the law for anyone to prevent them from acting in the first instance.

The Policy and Resources Committee is therefore opposed to the first of Senator Syvret's amendments as it considers that this is a matter for consideration by the Council of Ministers once it has taken office.

It should be pointed out that this is the third occasion on which the States has been asked by Senator Syvret to consider a proposition on this matter, and on both previous occasions the propositions have been rejected.

The first occasion was in October 2002, when the Assembly rejected a proposition in which it was proposed that 'all members of the Council of Ministers should retain the freedom to express their own views publicly, to record their dissent in proceedings and to lodge propositions 'au Greffe', and that these three freedoms shall not be compromised by rules of collective responsibility' ('Machinery of Government: Freedom of Representation', P.173/2002 – 9th October 2002).' The second occasion was in November 2004, at the time of the debate on the draft States of Jersey Law, when the Assembly rejected a similar proposition from Senator Syvret.

The Policy and Resources Committee maintains its view that 'Ministers will need to decide upon the degree of collective responsibility under which they wish to operate, and also to agree on standards of conduct relevant to the particular demands that will be placed upon them.'

The Committee therefore believes it would be wrong for the States to pre-empt any debate that the Council may wish to have on this matter once it has taken office.

The Committee does not have any comments to make on the second amendment.