

STATES OF JERSEY



MACHINERY OF GOVERNMENT: COMMITTEE SYSTEM (P.157/2013) – COMMENTS

**Presented to the States on 31st December 2013
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

The Privileges and Procedures Committee does not support the proposition of Deputy G.C.L. Baudains of St. Clement.

The structure of government in Jersey was amended in 2005 in response to the report of the Review Panel on the Machinery of Government in Jersey (the ‘Clothier Report’), which was published in December 2000. The report identified ‘many defects in the existing structure and functioning of the States and its Committees’ and recommended that the Committee system be replaced by a ministerial system of government. The report pointed out that ‘government by committees [was] rare in a national jurisdiction’ and noted that complaints about the Committee system were ‘recurrent and manifold’. The report considered that: ‘Each Committee [was] a virtual law unto itself, with no obligation to ensure that its decisions [were] consistent with a policy already agreed upon by the States or by other Committees’. It found that decisions were taken by a small number of Committee members, and that other members were ‘passengers’, ‘perhaps voluntarily, or perhaps because they [were] starved of the information necessary for them to make informed decisions, or perhaps because they [were] overwhelmed by the masses of paperwork prepared for their meetings’.

Since the introduction of ministerial government, there have been various calls for the review of aspects of its operation. In February 2012, the Committee, as previously constituted, established the Machinery of Government Sub-Committee to review the current structure. The Sub-Committee was chaired by Deputy M. Tadier of St. Brelade and included Deputy Baudains among its membership. The Sub-Committee undertook consultation with States members and members of the Corporate Management Board and reported in its Interim Report (*see* [R.39/2013](#)) that –

“Ministerial government seems to have had positive consequences. High-level focus of strategic policy is thought to have improved, and the capacity of the executive to get things done is believed to have increased markedly (although this is not a unanimous view). The system is also described as being better suited to the development of Jersey’s international identity and external relations generally.”

The Sub-Committee did, however, identify a belief among stakeholders that the existing system required further reform in order to function effectively, and included a series of recommendations for change in its final report (*see* [R.105/2013](#)). The Sub-Committee identified that the machinery of government in Jersey should uphold the following key principles –

- accountability;
- sound corporate governance;
- objectivity;
- prudence; and
- transparency.

It considered that the systems and processes that were in place at the present time did not align well with the core principles, and that the ministerial system was not working as well as it might be expected to. The Sub-Committee felt that addressing the lack of alignment would improve public confidence in the States, and could bring about

greater voter engagement. The Sub-Committee found that the majority of members thought that the current system should be improved in order to give the modified ministerial system a chance to work to achieve its potential. Only a minority of members favoured abandoning the current system and reverting to a committee-based structure. The Sub-Committee proposed a series of amendments to the machinery of government and, on 9th October 2013, the States held an 'in Committee' debate on the Sub-Committee's recommendations.

Following the debate, a Steering Group chaired by Deputy J.M. Maçon of St. Saviour, with Deputy M. Tadier of St. Brelade, Deputy T.A. Vallois of St. Saviour and the Chief Minister, Senator I.J. Gorst, as members, was established to take forward consideration of the recommendations. The Steering Group has taken into account the comments of members during the 'in Committee' debate, and has consulted with the Privileges and Procedures Committee, the Chairmen's Committee, Scrutiny Panels and the Council of Ministers in respect of the recommendations. The Group is now at the stage of considering possible amendments to the States of Jersey Law 2005, which will be referred back to the Privileges and Procedures Committee for consideration in early course.

The Committee does not believe that it would be appropriate at this late juncture to begin public consultation and a further review process regarding the possible implementation of a Committee system of government. Should the proposed public consultation take place, followed by the development of recommendations for revisions to the machinery of government, it would not be possible for any revised system to be established before the next elections, as there would be insufficient time for amendments to the States of Jersey Law 2005 to be drafted, adopted and sanctioned by the Privy Council. In addition, the Committee considers that the internal workings of government are a matter for the States Assembly to determine, given that there is a requirement for in-depth knowledge of the processes and procedures that are required to enable the day-to-day running of government. Also, having taken into account the findings of the Machinery of Government Sub-Committee during its consultation period, the Committee is of the view that a majority of members would not be in support of reverting to a revised version of the Committee system.

Holding another consultative review of Committee systems elsewhere would be unlikely to result in public engagement at a time when most people consider that the States spends too much time focussing upon these matters. The Committee considers that it is the role of the States to resolve any issues which arise in respect of its internal procedures, and that this process is in-train with amendments to the States of Jersey Law 2005 scheduled to come before the States in 2014.