

# STATES OF JERSEY



## **COLLECTIVE RESPONSIBILITY STATEMENTS: PROPOSITIONS, AMENDMENTS, COMMENTS OR STATEMENTS LODGED OR SUBMITTED BY A MINISTER (P.40/2016) – COMMENTS**

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**Presented to the States on 10th May 2016  
by the Council of Ministers**

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**STATES GREFFE**

## COMMENTS

The Code of Conduct and Practice for Ministers and Assistant Ministers (the “Code”) sets out which Ministers and Assistant Ministers are bound by collective responsibility and when they are not.

This collective approach is important, enabling the Council of Ministers, as the Government of Jersey, to hold a single policy position. It applies to all Ministers, and to the Assistant Ministers of the Minister responsible for the matter under discussion in the States Assembly. It does not apply to other Assistant Ministers – who are able to vote as they wish, or hold or express any alternative policy position. As such, the Council of Ministers remains a minority government, in terms of its overall size, and in terms of the bounds of collective responsibility.

The relevant extracts from the Code outlining how collective responsibility is applied are paragraphs 4 and 5 –

- “4. Ministers should uphold the principle of collective responsibility, save where it is explicitly set aside by the Chief Minister in relation to a “free vote” (most commonly used on an ‘issue of conscience’) or “agreement to differ” (as the Chief Minister may determine in exceptional cases). Collective responsibility requires that Ministers should be able to express their views frankly and freely in private, while maintaining a united position when decisions have been reached. This includes not disclosing the internal process through which a decision has been made by the Council of Ministers (“Council”), and extends to all exchanges between Ministers in the furtherance of the functions of the executive.*
- 5. The principle of collective responsibility also extends to the Assistant Ministers of the Minister proposing a matter to the States Assembly, and, where it is the Council as a whole that is proposing a matter, to the Assistant Ministers who assist the Minister who has the principal policy responsibility and who would be the main rapporteur.”*

Having outlined this, the Council of Ministers understands the desire for more clarity, and therefore suggests that this matter should be considered by the Privileges and Procedures Committee. In addition, and in doing so, there may be particular merit in –

- stating where collective responsibility is waived and government does not have a single policy position (although this is done as a matter of practise);
- PPC exploring whether the same principles of disclosing voting intentions should be applied to other Committees and Panels established by the Assembly.

In summary, the Council of Ministers believes that the position is already sufficiently clear, but would support the Privileges and Procedures Committee looking at this area.