

# STATES OF JERSEY



## **MACHINERY OF GOVERNMENT: AMENDED STRUCTURE (P.70/2010) – AMENDMENT**

---

**Lodged au Greffe on 10th June 2010  
by Deputy P.V.F. Le Claire of St. Helier**

---

**STATES GREFFE**



MACHINERY OF GOVERNMENT: AMENDED STRUCTURE (P.70/2010) –  
AMENDMENT

---

**1 PAGE 2, PARAGRAPH (a)(i) –**

At the end of paragraph (a)(i), after the words “5 Assistant Ministers” insert the words “except the Chief Minister who will have 2 Assistant Ministers to be known as ‘Deputy Chief Ministers’”.

**2 PAGE 2, PARAGRAPH (a)(ii) –**

At the end of paragraph (a)(ii) after the words “by the States” insert the words “with the 2 Deputy Chief Ministers being elected by the States after the election of the Chief Minister but before the election of other Ministers”.

**3 PAGE 2, PARAGRAPH (a)(iv) –**

In paragraph (a)(iv) after the words “all members other than Ministers” insert the words “and Assistant Ministers assigned to the ministerial department affected by the review”.

**4 PAGE 2, NEW SUB-PARAGRAPH –**

After paragraph (a)(iv) insert a new sub-paragraph as follows –

“(v) a new Committee, to be known as the Legislation Committee, should be established to review draft legislation and assess in particular its resource implications, with the Committee comprising a President and between 2 and 4 other members of the States who are not Ministers and with the Committee also able to co-opt persons who are not members of the States, and who have relevant knowledge and experience, to participate in a non-voting capacity with the work of the Committee as deemed necessary.”

DEPUTY P.V.F. LE CLAIRE OF ST. HELIER

## **REPORT**

I am very pleased Senator Breckon has tabled P.70/2010 for debate, following on from the excellent work of the Privileges and Procedures Committee Sub-Group, who identified very quickly that there are major failings in our new system of government.

If I can begin with agreeing completely with Senator Breckon in what he is seeking to achieve in P.70/2010 and congratulate him for taking a decisive and firm step in addressing some very self-evident problems first-hand.

Well done Senator Breckon!

My amendments have come though, to seek to tighten some of the areas which remain of concern to me about what is wrong.

It is self-evident that the current system is polarising politicians so greatly in Jersey that the outcome will inevitably be party politics. One has emerged and it is serious about its growth and it will slowly acquire greater political support as it is organised and driven to do so.

I am not certain that the time has come for the political ruling elite to accept a gradual release of its stranglehold on our political system yet. However if it is unwilling to relinquish partial control it is my firm belief that it will within 9 years lose total control, if not sooner. That will mean a huge swing in the politics in Jersey, a swing from which the ruling elite will never recover.

I therefore am not hung up on whether Senator Breckon's proposition or my amendments are successful as change is coming in any event.

I reproduce the findings of the Sub-Group in the Appendix to this Report.

### **Financial and manpower implications**

I also believe that there are significant economies that will flow from a more joined-up system of Government as Senator Breckon does. The adoption of these amendments will not require any additional manpower in my opinion.

**Extract from R.59/2010 “States Business Organisation Sub-Group: Report”**

**Findings**

The Sub-Group does not consider that making small adjustments around the number of propositions that may be lodged, time limits on speeches, the number of questions – to mention a few items – will make any appreciable difference without looking more deeply at why the increases in questions and individual members’ propositions is occurring.

The Sub-Group is of the view that the exclusivity of the ministerial system of government, which provides that only a small number of people have real insight into government, means that most do not have access to the decision-making process or to the information on which it is based. Consequently, contrary to the expectations of the public, few members of the States are able to answer their queries on the many issues that concern them.

The Sub-Group believes that the number of questions has increased so much because members, and Scrutiny, are unable to access the information in a timely fashion, in any other way. In addition, given that many decisions are being made in relation to States activity by just 10 people out of 53 members, asking questions gives an opportunity to members to bring checks and balances to the decisions made and to hold the Ministers to account. The Group felt that Ministers might also be overwhelmed by the amount of business within the department, the complexity and depth of the detail, and, realistically, would be unable to interrogate and verify the draft proposals put to them by officers. Such a situation leads to the supposition that senior civil servants are ‘running the show’.

The Sub-Group also considers that the reason why the number of propositions proposed by individual members has increased is because this is the only way in which members are able to influence policy and ensure that their suggestions are adopted, in a climate where Ministers are reluctant to be diverted from their own programmes and plans.

By contrast, in the former Committee system of government, draft policy was thrashed out by up to 7 people on a Committee, and they were able together to think through in more depth all the proposals and recommendations. That element of discussion or even ‘thinking aloud’, while mulling over the best way forward, has disappeared. Members on a Committee might each have taken an area of specialism from the department, and developed a greater understanding of that area, with the ability to lead discussions on that item. While some Assistant Ministers have specialised areas of responsibility, there is no evidence that this occurs in all departments, and there is still a lot of ground to cover between 2 or 3 members.

The Group is of the view that there are fundamental questions about the ministerial system of government that require review, as the new system of government, which may be good in parts, is not working as a whole as it was intended. Members of the Group received many comments from members, both formally and informally, indicating that the theoretical benefits of the ministerial system as set out by the Clothier Panel were not being realized in practice because many members felt totally unable to make the positive contribution to government in the Island that they had

hoped to make when elected. The Sub-Group was particularly struck by the following extract from a submission made by Senator B.E. Shenton –

*“When Members are elected they are, in the eyes of the public and themselves, members of Government. They expect to have influence in the decisions of State and the fascinating mixture of political views in the Chamber should provide a diverse and encompassing Government. The weakness of the system is that the Troy rule divides the Chamber, causes unnecessary friction, and duplicates both work and costs. Consultants are hired by both the Executive and Scrutiny to examine the same policy, Scrutiny members do not feel part of the Government and are frustrated by a lack of power, and the position of Minister lacks the checks and balances necessary for such a powerful role.”*

The Group does not feel that any amendments to the way States Business is organised would be useful until a review of the current system has been completed. Although some changes, for example limiting the length of speeches, might appear superficially attractive as a way of reducing the amount of time members spend in the Chamber, the Sub-Group believes very strongly that forcing a change of this type through the Assembly against the wishes of a minority would simply exacerbate the current division that is perceived between Ministers and other members and the Sub-Group does not believe that changes of this type would improve the manner in which Jersey is governed.

### **Recommendation**

The Sub-Group accordingly recommends to the Privileges and Procedures Committee that it consider whether to conduct a review into the machinery of government to establish the efficiency of the system and the effects on the conduct of States’ business, and if so –

- (a) Whether to conduct a short review so as to be ready before the end of the current term of office;
- (b) Whether to conduct an ‘in depth’ review;
- (c) The membership of any review;
- (d) How to fund and staff the review.

If a review is approved, the Sub-Group recommends that no piece meal amendments to Standing Orders are made in advance of such a group reporting back.