

STATES OF JERSEY



MACHINERY OF GOVERNMENT: REVIEW (P.76/2011) – AMENDMENT

Lodged au Greffe on 24th August 2011
by the Deputy of St. Mary

STATES GREFFE

1 PAGE 2, PARAGRAPH (a) –

After the word “Appendix” insert the words –

“, except that –

- (i) in sub-paragraph A(a) for the words ‘most effective manner’ substitute the words ‘best way’;
- (ii) in sub-paragraph B(2) after the words ‘in relation to’ insert the words ‘information-gathering, consultation,’;
- (iii) after sub-paragraph B(8) add the following new sub-paragraph –
 - ‘9. The weaknesses and strengths of the current executive/scrutiny system and to consider and evaluate other models.’ ”.

2 PAGE 2, PARAGRAPHS (b) and (c) –

In both paragraphs, for the words “2 States members” substitute the words “6 States members”.

3 PAGE 2 –

Add a new paragraph (d) as follows –

- “(d) to agree that the review committee should include 4 members from outside the States to be chosen in a process supervised by the Appointments Commission.”.

DEPUTY OF ST. MARY

REPORT

Paragraph 1

Part (i)

The phrase “most effective” I feel indicates a stress on “efficiency”, however that is measured. By substituting “best way” I think the Terms of Reference become wider and better.

Part (ii)

These are important additions – the way we gather information, whether in-house or via consultants, is extremely important, as is, of course, consultation, and both deserve specific mention as they are the building blocks of policy.

Part (iii)

To add in an evaluation of the present Scrutiny system and seeing whether something better could be devised, seems to be a very obvious addition to the Terms of Reference. Some might argue that the content of this new sub-paragraph is implied in other sub-paragraphs, but I think it deserves to be made explicit.

Financial and manpower implications of paragraph 1 of my amendment

There are no financial or manpower implications arising from this amendment.

Paragraphs 2 and 3

I regard these 2 amendments as non-controversial and commonsense.

This review is obviously of fundamental importance. As with the Electoral Commission, it is essential that it is set up in a way that is fair and seen to be fair. When the body reports, the conclusions should be seen as coming from a body which has proper standing and independence and represents different shades of opinion, and not just the views of one “party.” **Otherwise the current bitterness and sense of division will continue.**

I cannot believe that that is what members want or will vote for.

Unfortunately, the arrangements as put forward by the Council of Ministers fail utterly in this regard, that is, the review body is not fair and will not be seen to be fair.

Paragraph 2

The Chairmen of the Privileges and Procedures Committee and the Public Accounts Committee, and even the President of the Scrutiny Chairmen’s Committee, who are suggested as members of this review group, are voted in by the same combination of forces which vote for the Council of Ministers.

So of the entire review group of 8 members, 6 can be seen as having the support or endorsement of the ruling group. The conclusions of such a group **cannot** be seen as objective or fair. They will be seen as serving the interests of that group.

This amendment seeks to guarantee representation from those not “attached” to the Council of Ministers. It is a matter of everything being fair and above board. Which it has to be if the resultant proposals are to have ANY chance of commanding wide support.

I initially put these amendments in to the States Greffe some time ago, and I proposed that there be 4 additional States members and not 2 (in the last sentence of paragraph (b) and in paragraph (c)). I then went on to propose that “In the elections for the States members to be appointed to the review body only those who are neither Ministers nor Assistant Ministers may vote”.

However, the Greffe advised that the States cannot vote like this. Classes of members cannot be excluded from voting. I therefore now propose that the number of ordinary States members be 6. Hopefully this will mean that there is some balance in the final group. And hopefully too, members will be sensible in nominating a range of people to take part.

It is very much second-best to my first proposal however, and one day the States must fix the problem that Scrutiny Chairmen, the Public Accounts Committee Chairman, and even the President of the Scrutiny Chairmen’s Committee, are all voted for by the entire States, and not by those who are not in government, which is a recipe for “one-tone” government without any real challenge or debate at all and a recipe for the mistakes which will inevitably follow.

Paragraph 3

Including talent from outside the States is a good way for our assumptions to be challenged and for the end result to command more acceptance.

Great care will have to be taken to ensure a balance from the 4 non-States appointees, and what this required balance should consist of should be set out in advance by the Privileges and Procedures Committee with consultation invited from members before the nature of the balance is finalised.

Financial and manpower implications of paragraphs 2 and 3 of my amendment

There are no financial or manpower implications arising from paragraph 2 of my amendment.

On the assumption that on the issue of how best to structure the workings of the States there is no shortage of expertise in the Island, and that there would be a big enough pool to draw on, on an honorary basis, I believe that the addition of 4 able and public-spirited and discerning people to take part in the committee should be possible. There are therefore no financial or manpower implications arising from paragraph 3 of my amendment.