

# STATES OF JERSEY

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## MINISTERIAL GOVERNMENT: REVIEW OF THE FIRST 12 MONTHS

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Lodged au Greffe on 20th June 2006  
by Senator B.E. Shenton

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to request the Privileges and Procedures Committee to present to the States by March 2007 a report reviewing the first 12 months of Ministerial Government, together with any recommendations for improvement, following consultation with the Council of Ministers, members of the States and any other interested parties, and to include comment on the operation of both the Council of Ministers and Scrutiny, examining the strengths and weaknesses of current processes, and paying particular attention to the structure of the strategic plan, its relevance, and its separation from the States business plan.

SENATOR B.E. SHENTON

## REPORT

This proposition replaces P.55/2006. We are now approximately 7 months into Ministerial Government and it would be prudent to undertake a comprehensive review after one year. I believe that if the States of Jersey Law 2005 was a dog it would probably be a 'labradoodle' – a mixed up cross-breed that, hopefully, may someday achieve pedigree status.

The proposition is fairly self-explanatory and needs little in the way of additional comments. When undertaking the review the PPC should pay attention to the now rescinded P.55/2006 report and the subsequent comments of the Council of Ministers. These are reproduced below –

### PROPOSITION P.55/2006 – Now Withdrawn

**“THE STATES are asked to decide whether they are of opinion –**

- (a) to agree that Article 18(2)(e) of the States of Jersey Law 2005 and the Standing Orders of the States of Jersey should be amended to remove the requirement that the common strategic policy of the Council of Ministers must be lodged “au Greffe” and approved by the States, and to insert an alternative requirement that the policy would, instead, have to be presented to the States as a report for information within 4 months of the Council’s appointment and discussed by the States sitting ‘in committee’ in accordance with Standing Order 97; and
- (b) to charge the Privileges and Procedures Committee to bring forward for approval the necessary amendments to the States of Jersey Law 2005 and the Standing Orders of the States of Jersey to give effect to the proposal.

## REPORT

This proposition seeks the agreement of the States to amend the States of Jersey Law Article 18(2)(e) and Standing Order 26. It removes the need for the Strategic Policy to be formally approved by the States Assembly whilst retaining the necessity for the policy document to be presented to the States and discussed ‘in Committee’, but without a vote or decision.

### STATES OF JERSEY LAW

**Article 18(2)(e) of the States of Jersey Law provides –**

#### **18 Council of Ministers**

- (2) **The functions of the Council of Ministers shall be –**
  - (e) **agreeing and, within 4 months of their appointment under Article 19(7), lodging fo referral to one or more Scrutiny Panels established under standing orders and approval by the States, a statement of their common strategic policy; and**

There will be a need for consequential amendments to the following Standing Orders–

#### **Standing Order 26**

#### **26 Minimum lodging period**

- (4) **A minimum lodging period of 6 weeks applies to the following propositions–**
  - (b) **a proposition for approval by the States of the common strategic policy of the Council of Ministers under Article 18(2)(e) of the Law;**

The term “approval by the States” would be removed. In its place there will be a requirement to formally receive and debate the document in accordance with Standing Order 97.

The rules of procedure when the States are sitting ‘in Committee’ are as follows –

**97 States sitting in committee: procedure and rules of discussion**

- (1) While the States are sitting in committee, the chairman shall have the powers and duties of the presiding officer.**
- (2) The rules of order, conduct and debate in a meeting shall apply while the States are sitting in committee to discuss any matter save that –**
  - (a) a member of the States may speak more than once during the discussion;**
  - (b) the chairman may allow any person to be present in the Chamber and invite that person to speak;**
  - (c) the matter under discussion shall not be voted upon;**
  - (d) the chairman shall decide when sufficient time has been allowed for a discussion on any part or aspect of the matter;**
  - (e) the chairman shall decide when the sitting shall end.**

This has many advantages. Members can speak more than once, so it is possible to ask questions and then make further comment once they have the answer, and it allows for the full airing of a matter. The Council of Ministers would be able to gauge members’ opinions about proposals and possibly amend them afterwards. No decisions are taken, and any individual policy would need to come back to the States for debate as a report and proposition.

The reason for this change is that the strategic policy document should be seen more as a manifesto of the Council of Ministers rather than a serious policy document that requires the approval of the States Assembly. As such I believe that it will be very dangerous, and undemocratic to formally approve this document as required under current law.

The Strategic Plan, whilst admirable at some levels, is a somewhat glib document at others. There are no costings, no alternative strategies, no risk analysis, no time frames, and no real detail. In fact if you added “world peace” and “be nice to puppies” to the document it would make a great Miss World acceptance speech!

The problem is that approval of the Strategic Plan in accordance with current legislation gives Ministers the power to implement far reaching policies on the basis that it was approved “through the Strategic Plan”. This will eliminate the need to debate the policy in the House, it will eliminate the need for the Ministers to get feedback from the public. At worst it could make the States Assembly somewhat obsolete.

It is too late to implement these changes before the 2006 Strategic Plan is debated. However Members should be aware that this year’s proposition could indeed be voted out, or there could be an equality of votes, which would lead to the proposition being lost.

If this happens, the Council of Ministers has fulfilled its brief by presenting the Plan within 4 months (States of Jersey Law 2005, Article 18(2)(e)) for scrutiny and then approval by the States. There is no provision in the Law for the Plan not being approved.

If the 2006 Strategic Plan is not approved then there would still be a statement of their policy proposals on record, albeit as a failed report and proposition. The Council of Ministers would have to bring policy matters to the States one by one, and could not hide behind the approval of the Strategic Policy document. Members should ensure that they are 100% satisfied with every single aspect of the Strategic Policy

document before approval.”

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### **Council of Ministers Comments (P.55/2006 Com.)**

“The States of Jersey Law 2005 sets out the framework within which ministerial government operates. The agreement of the Council of Ministers’ common strategic policy, as set out in Article 18(2)(e), is an integral part of this, and without it, the States lacks direction.

The Strategic Plan will serve to improve the democratic process for both States members and the electorate. The States need to have a shared vision of the direction that the Island should be moving in over the next 3 to 5 years. The Strategic Plan provides this, along with the financial and policy framework in which the Council of Ministers will operate during its term of office.

Jersey does not have party politics; therefore the Strategic Plan is not a manifesto for the Council of Ministers, but rather an agenda for the States as a whole.

The report and proposition on the ‘Machinery of Government: Proposed Reforms’ (P.122/2001) makes it clear that the wishes of the States are paramount. The Strategic Plan will set the broad framework of policies and programmes that the Council of Ministers, and indeed the States, will follow. Each year the Council will bring forward an annual business plan which will set out in detail the proposed use of resources and programmes for the coming year. In addition, any new legislation and major policy proposals will still have to be referred to the States Assembly for a decision.

In conclusion, therefore, the Council of Ministers does not agree with the proposal that the Strategic Plan should simply be presented for information, but should instead be submitted to the States for a full debate which will set the future direction for the Council of Ministers’ work.”

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In putting this proposition forward, and withdrawing P.55/2006, I am taking into consideration the high level of workload that the States will have to undertake in the second half of 2006. P.55/2006 was, perhaps, too specific in that it dealt with a matter in isolation rather than taking a more holistic approach. As a Government we tend to look at too many issues in isolation and lose sight of what we are trying to achieve. We are the Government of the Island of Jersey and the people expect us to govern with fairness and efficiency. Standing Orders and the States of Jersey Law 2005 must allow us to undertake this task.

### **Financial and manpower implications**

It is estimated that an officer will be required for approximately 3 months to support the Privileges and Procedures Committee in this task. This could be managed as a secondment opportunity. The staffing cost is estimated at £15,000 (based on Grade 11 post) plus £2,000 minor administrative costs. This amount would need to be submitted to the Minister for Treasury and Resources, to identify the source of funding, and any unspent funds would be returned.