

STATES OF JERSEY



STATES' APPROVAL OF ASSISTANT MINISTERS' APPOINTMENTS (P.53/2016): AMENDMENT

Lodged au Greffe on 6th July 2016
by the Chief Minister

STATES GREFFE

STATES' APPROVAL OF ASSISTANT MINISTERS' APPOINTMENTS
(P.53/2016): AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

- (1) For the words “States of Jersey Law 2005 should be amended as necessary to provide”, substitute the words “Chief Minister should consider further improvements to the machinery of government, including proposals”.
- (2) After paragraph (iii) insert the following new paragraphs –
 - “(iv) the roles of Assistant Ministers and the work of those Members undertaking these roles be further enhanced;
 - (v) the process for allocating portfolios to Ministers and delegated responsibilities to Assistant Ministers be improved;”.

2 PAGE 2, PARAGRAPH (b) –

- (1) After the words “for approval” insert the words “within the next 6 months”.
- (2) After the words “give effect to the proposals” insert the words “, consulting with the Privileges and Procedures Committee as necessary”.

CHIEF MINISTER

Note: In full form this will mean that the proposition as amended would read as follows:

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

- (a) to agree that the **Chief Minister should consider further improvements to the machinery of government, including proposals** ~~States of Jersey Law 2005 should be amended as necessary to provide~~ that –
 - (i) the Chief Minister must obtain the States' approval of the appointment of his or her Assistant Minister(s);
 - (ii) the States' approval should be obtained for the appointment of Assistant Ministers at the same time as the relevant Minister;
 - (iii) before dismissing an Assistant Minister, a Minister must obtain the Chief Minister's consent;
 - (iv) **the roles of Assistant Ministers and the work of those Members undertaking these roles be further enhanced;**

- (v) the process for allocating portfolios to Ministers and delegated responsibilities to Assistant Ministers be improved;
- (b) to request the Chief Minister to bring forward for approval **within the next 6 months** the necessary amendments to the States of Jersey Law 2005 to give effect to the proposals, **consulting with the Privileges and Procedures Committee as necessary**.

REPORT

The proposition lodged by Deputy J.A. Martin of St. Helier and focussing on Assistant Ministers is welcome, providing an opportunity to develop proposals for further improvements. Assistant Ministers fulfil important roles and careful consideration should be given to proposed changes. This amendment suggests, therefore, that a short review is undertaken in order to identify further improvements and propose these to the Assembly within the next 6 months for consideration.

The last Machinery of Government Review ([R.105/2013](#) and [P.33/2014](#)) recommended enhancements to the roles of Assistant Ministers, including that they should be the first port-of-call for an executive decision whenever their Minister is out of the Island or indisposed; should attend the Council of Ministers in place of their Minister; and should have identical rights of access to information to those of their Minister. The positive decisions taken by the Assembly in May 2014 have enabled Assistant Ministers to fulfil increasingly important roles. This has included discharging delegated responsibilities for their Ministers across significant portfolios, such as sport, States-owned entities, mental health and financial services, increasingly representing the Island overseas, and being more accountable to the Assembly. The relevant Assistant Minister(s) also form part of collective responsibility in relation to the policies of the Council of Ministers where their Minister has the lead responsibility, whilst also being free to vote and voice alternative opinions in all other areas.

When a similar proposal that Assistant Minister appointments should be endorsed by the Assembly was considered in 2014 ([P.33/2014 Amd.](#)), it was noted at the time that, notwithstanding the positive changes to be made to the roles of Assistant Ministers, the Review had intended that some difference between Ministers and Assistant Ministers should be maintained. It was also noted at the time that the proposal was not consistent with the Report of the Review Panel on the Machinery of Government Chaired by Sir Cecil Clothier (December 2000), which had concluded that Ministers should choose the States Member or Members they wished to assist them, subject to the approval of the Chief Minister.

These earlier comments should not preclude fresh consideration being given to the proposals made in the proposition lodged by Deputy Martin, particularly now that there has been a period of time to consider how the enhanced arrangements for Assistant Ministers have worked in practice. The earlier comments do, however, highlight that, in making any further changes to the roles of Assistant Ministers, it is essential to explore carefully all the potential issues and to avoid any unintended consequences. There are a number of issues that should probably be explored more fully before deciding upon any further changes. These include: the possible effects of providing Assistant Ministers with a comparable and simultaneous democratic mandate to Ministers; the impact upon Ministerial elections, including whether a Ministerial mandate should be dependent upon their choice of Assistant Minister running mate(s); the practical or perceived affect upon collective responsibility and/or minority government; the scheduling of changes required in the already challenging nomination and election timescales; whether there is any limiting of choice for individual States members in deciding whether to contest a Ministerial election or seek a role as an Assistant Minister; the potential impact upon the process for allocating responsibilities to teams of Ministers and Assistant Ministers; the process by which States members may serve both as Ministers and elsewhere also serve as Assistant Ministers, and; the process for subsequent changes to those holding office as either Ministers or Assistant Ministers. As well as the increasing

responsibilities of Assistant Ministers, the Deputy's proposition helpfully brings a number of these issues into focus.

As such, there is a need to consider carefully all of the factors which may be involved, recognising that any such proposal has the ability to change the system of government in both fundamental and practical ways for many years to come.

Accordingly, it is recommended that a short and focussed review be undertaken to bring forward proposals within the next 6 months to improve further the machinery of government in order that these can be considered by the Assembly, with any changes that might be decided upon being implemented following the May 2018 elections. In undertaking this work, the Privileges and Procedures Committee would be consulted in relation to how any proposals might possibly impact upon the elections of other Committees and Panels. The involvement of other States members in this work would also be welcome.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from this amendment.