

# STATES OF JERSEY



## **MACHINERY OF GOVERNMENT: REVIEW BY PRIVILEGES AND PROCEDURES COMMITTEE**

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Lodged au Greffe on 29th November 2011  
by Deputy G.C.L. Baudains of St. Clement

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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 –

- (a) to undertake a review of the machinery of government in Jersey in order to identify a more inclusive system which enables greater numbers of elected members to participate in executive decision-making; and
- (b) to bring forward for approval proposals arising from this review for debate during 2012.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT

## REPORT

This proposition is brought early in the new Assembly for several reasons.

Firstly, being relatively soon after elections, members should still be able to recall the public's views on our present system and their own pledges in response.

Secondly, Ministers and Panels have only just been appointed. I believe it only courteous to bring this proposition before they have fully settled in and made long-term plans.

Thirdly, the window of opportunity for change is closing (some members are already becoming resigned to 'business as usual'), and I believe if we do not seize the moment, it could easily be 3 years before another opportunity presents itself.

This proposition is brought, not because of any lack of confidence in the PPC – it has not yet started its work – but out of regard for the problems it will surely face. Neither should it be construed as a lack of confidence in the new approach adopted by our new Chief Minister, which is most welcome. This Proposition is designed to complement his efforts.

I recall my own time on PPC (2005 – 2008) and how frustrating it was trying to achieve progress. We employed MORI to canvass public opinion. Some of the public wanted to remove the Connétables; others wanted them to remain. Some wanted to reduce the number of States members – only not by reducing the Island-wide mandate or their local representation in the form of Deputies. The ensuing States debates were a nightmare, seemingly taking forever to ultimately get nowhere.

I am advised similar problems beset the more recent PPC during the last 3 years.

It therefore seems to me that, rather than let PPC – amongst its wide range of responsibilities – laboriously work up proposals, only for this Assembly to turn them down yet again, it would be better to give the Committee a steer, whereby the goal is identified and only the means of achieving it remains to be resolved.

For the avoidance of doubt, this Proposition concerns the machinery of government and is separate from, and not to be confused with, the Commission's work on composition of the States, constituencies, etc.

Mindful that a report and proposition are taken as a whole, I believe some identification of the issue and its possible remedies are in order. First, the problem –

Ministerial government is perceived by many not to be working. The quicker decisions and saving of money we were promised at its introduction have not materialised, and the respect members had for each other has greatly diminished from the days of Committee government. Members are now permanently on one 'side' or the other, and the result has been entrenchment and polarisation, accompanied by a degree of animosity.

Despite the huge effort put in by Panel members, Scrutiny has become largely a waste of time and resources. Indeed, it has deteriorated to the extent it is now proving difficult to find members willing to serve on it. The situation has become so dire some valued members have even decided not to seek re-election to the States.

The remedy will require fundamental changes. Removing one or 2 Senators or fiddling with minor matters such as the length of speeches, number of questions, etc. will achieve nothing. The increasing number of questions is not, as some have suggested, because members have nothing better to do – it is because the present system excludes the vast majority of members from decision-making – and therefore the information behind those decisions. Questions are very often the only way now of obtaining accurate information and holding Ministers to account.

We have to amend our machinery of government in a way that makes it more inclusive. I have in mind increasing the number of Assistant Ministers to between 3 and 5 (depending on each ministry's workload), with Ministers having to have regard to their Assistant Ministers' opinions when making decisions. To complement this, and in recognition of the greater inclusiveness outlined above, Scrutiny would need consequential revision. My view is that the Panels could be reduced to one, larger, Panel – with Sub-Panels created to address matters as they arise.

I realise that such far-reaching changes would require changes to legislation and consequential law drafting time. At this point I am not asking the PPC to prepare changes down to the last detail ready to be implemented immediately on a vote – rather I am seeking an 'in principle' proposition from them in due course which, if adopted, would then proceed to law drafting for future implementation; hopefully in 2013, so it may 'bed in' before the new Assembly of 2014 takes over.

I hope members can put aside any feelings they may have in relation to present positions held, and act in the best interests of Jersey whilst the change called for by the public and offered by so many candidates during canvassing is still fresh in their minds.

The alternative is bleak. We can either act now and make an orderly transition to a better process, or face the prospect of the formation of an opposition party whose sole purpose would be relentless attacks on the Council of Ministers. The worst case scenario would be public unrest and the UK government coming in to take over our administration. There truly is no time to lose.

### **Financial and manpower implications**

There will inevitably be some resource implications arising from this review, and there may be a need for additional officer support, but I believe at this stage that the cost of the review can be met from the existing budget of the States Assembly.