

STATES OF JERSEY



MINISTERIAL RESPONSIBILITIES (P.52/2022): AMENDMENT

Lodged au Greffe on 14th April 2022
by the Council of Ministers
Earliest date for debate: 25th April 2022

STATES GREFFE

MINISTERIAL RESPONSIBILITIES (P.52/2022): AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

After the words “and to request the” insert the words “Council of Ministers in consultation with the”.

2 PAGE 2, PARAGRAPH (a) –

After the words “for presentation to the new” for the words “States Employment Board” substitute the words “Council of Ministers”.

3 PAGE 2, PARAGRAPH (c) –

After the words “with a view to presenting a report” insert the words “before 1st January 2023 and annually thereafter, in accordance with Article 30A of the States of Jersey Law 2005”.

COUNCIL OF MINISTERS

Note: After this amendment, the proposition would read as follows –

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

- (a) that for each department of the States there should be one Minister who is ultimately accountable for all aspects of the work of that department, and to request the **Council of Ministers in consultation with the States** Employment Board to commission officers to draw up options for achieving this, for presentation to the new **Council of Ministers** in autumn 2022;
- (b) that the proposed establishment of a single legal entity for the Government of Jersey, in place of ministerial corporations sole, as set out in the Machinery of Government (Miscellaneous Amendments) (Jersey) Law 2018, should not be proceeded with and the part of that legislation dealing with this matter should be rescinded, and to request the Chief Minister to issue law drafting instructions to this effect, so a projet can be considered by the next States Assembly in autumn 2022; and
- (c) that the Chief Minister should be requested to review ministerial portfolios within the six months following a general election, with a view to presenting a report, **before 1st January 2023 and annually thereafter, in accordance with Article 30A of the States of Jersey Law 2005**, to the States on the outcome of that review and bringing forward Standing Order changes to alter ministerial portfolios or legislative or Standing Order changes to address any

other matters relating to the selection of ministers and ministerial roles arising from the outcome of the review.

REPORT

Departments are established by creating Heads of Expenditure, which are proposed by the Council of Ministers in the Government Plan and debated and approved, often as amendment, by the States Assembly.

This amendment to paragraph (a) therefore adds in the Council of Ministers as the body which has responsibility for the structure of departmental government (in consultation with the States Employment Board, which has responsibilities for ensuring due process around any departmental restructuring is followed).

This has the benefit of ensuring all Ministers are involved in discussions relating to their Departments, rather than just those Ministers on the States Employment Board.

Additionally, the amendment to paragraph (c) seeks to formalise and regularise the proposed review of ministerial portfolios by incorporating it into the Ministerial Responsibilities report required under Article 30A of the States of Jersey Law 2005. This article requires the Chief Minister to establish, maintain and publish a list of functions being discharged by each Minister, but does not provide a fixed deadline for the regular reporting of these functions. This amendment would therefore also require this report to be issued before 1st January to ensure that it is kept up to date as an online resource.

Conclusions

Aside from the above small but important amendments, the Council of Ministers considers that while clear vertical lines of accountability from a Department to a Minister are a crucial element of any democratic system (and that this may be achieved by having Departments which are accountable in their entirety to a single Minister) that some flexibility in how government Departmental structures are organised is important to support effective administration. While accepting the overall principle therefore of paragraph (a) any options paper in response to paragraph (a) will need to deal with this.

Financial and manpower implications

None.

