

STATES OF JERSEY



MONITORING OF ARM'S LENGTH ORGANISATIONS AND GREEN AND WHITE PAPERS

Lodged au Greffe on 10th March 2022
by Senator T.A. Vallois
Earliest date for debate: 25th April 2022

STATES GREFFE

PROPOSITION

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

- (a) that a supervisory Committee comprising States Members should be established in order to monitor the performance of Arm's Length Organisations, and to request the Minister for Treasury and Resources, in consultation with the Council of Ministers, to commission officers to draw up options for this, so that a projet can be considered by the next States Assembly by no later than 30th September 2022;
- (b) that clear, agreed criteria for the preparation of 'green papers' (initial consultations on policy or legislative proposals) and 'white papers' (detailed proposals for legislation) should be established, and to request the Chief Minister to commission officers to draw up proposals for this, with a view to a report being presented to the States on the outcome of the work by no later than 30th September 2022.

SENATOR T.A. VALLOIS

REPORT

I am bringing this proposition following the work I led on PPC's Democratic Accountability and Governance Sub-Committee.

Supervisory Committee

I am proposing to establish a supervisory Committee comprised of States Members in order to monitor the performance of Arm's Length Organisations (ALOs) in line with recommendation 7 of the Sub-Committee.

During the Sub-Committee's review, a number of views were expressed on the governance arrangements around ALOs and Specified Organisations with many Members commenting that there is "a lack of oversight" and "lack of governance and accountability" of how they operate.

During the Sub-Committee's review, some Members expressed the view that better governance arrangements should be put in place for the relevant ALOs and Specified Organisations where the States of Jersey is a shareholder. Members also commented that any Memoranda of Understanding (MoU) or Service Level Agreements (SLA) made with them should not just be the responsibility of the relevant Minister or Director General.

The Sub-Committee suggested that a States of Jersey Supervisory Committee could be based on the States' Trading Supervisory Board in Guernsey, which carries out the States' role as shareholder of any incorporated companies which are owned by the States. It oversees a diverse portfolio of companies - some are fully formed commercial companies in their own right and so the Board is not involved in the day-to-day running of these businesses but is involved in decision-making.

If accepted by the Assembly, the Minister for Treasury and Resources would commission officers to draw up options for the establishment of a supervisory Committee so that a proposition can be considered by the next States Assembly.

Criteria for green and white papers

I am proposing the creation of clear, agreed criteria for the preparation of 'green papers' and 'white papers' in line with recommendation 24 of the Sub-Committee.

The Sub-Committee acknowledged that legislative scrutiny has improved in recent years to become a routine part of scrutiny work but there was a collective view from members that it is still held back by a lack of time and resources. In the former Comptroller and Auditor General's [Thinkpiece](#), she suggested that clear principles for the preparation of green and white papers should be established in order to trigger the opportunity for timely review by Scrutiny Panels in advance of preparation of draft legislation.

If accepted by the Assembly, the Chief Minister would commission officers to draw up proposals for criteria on green and white papers with a view to presenting a report to the States on the outcome of the work.

Financial and manpower implications

The work proposed in this proposition principally involves commissioning Government Officials to determine options for establishing a supervisory Committee and the creation of criteria for the preparation of green and white papers. In my view, this work can be accommodated within existing budgets.