

# STATES OF JERSEY



## MACHINERY OF GOVERNMENT: COMMITTEE SYSTEM

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Lodged au Greffe on 2nd December 2013  
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 to research variations of committee style government and to seek the opinions of the public on the desirability of revising the machinery of government in Jersey to introduce a committee style structure, and to further request the Committee to bring forward for approval recommendations for revisions to the machinery of government in light of the outcome of the public consultation process.

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

## REPORT

Ever since our committee style of government was replaced by a ministerial one, there has been acknowledgement that shortcomings exist. Hundreds of hours have been spent by several incarnations of PPC (and others) over several years in an attempt to resolve the issue. Many hours of States debate ensued, only for the solutions put forward to be roundly rejected.

Having spent 3 years on a previous PPC, and more recently a year on a PPC Sub-Panel, I am only too aware of the difficulty in trying to find acceptable resolutions. Consensus on the shortcomings of the present system of government is fairly easy to achieve; remedies are more challenging, because for every identified weakness, 20 people have 20 different solutions.

Having spent a considerable amount of time searching for remedies, I have come to the conclusion that what we are trying to achieve is, in fact, impossible. The analogy I have used is that it is like trying to win a Formula 1 race with a hire car. No amount of fiddling – changing tyres, changing the colour – can achieve the desired result. We need to stop fiddling at the margins and look instead at the whole picture.

Put in context, a ministerial type of government does not fit our non-party, independent member, structure. In a political party system, the public elect members of a party, not individuals. They then expect the winning party to get on and implement its manifesto. Within a political party there is also structure, whereby members are expected to toe the party line and abide by party rules.

Our Government has 51 different manifestoes and no party structure. It is no wonder, therefore, that fiddling at the margins does not resolve the underlying problems (e.g. lack of accountability, lack of inclusiveness, etc.).

Unfortunately, the reason so much work has been done without much effect is because, using the hire car analogy, we have concentrated on detail instead of looking at the basics.

I recall, when both I and the late Senator M.E. Vibert were members of an earlier PPC tasked with the first review of machinery of government (MOG), we both suggested that PPC should look at the overall picture rather than investigating minor tweaks on the assumption that the model itself was robust. We were advised that our terms of reference did not permit that – and I believe that omission has been responsible for all the frustrating and demoralising debates that have ensued.

No matter which way you look at it, solutions to the present shortcomings do not fit into our present structure and, as long as we obstinately refuse to consider major changes to that basic structure, our Government will continue to be sub-optimal and sinking in public esteem on an almost daily basis.

As a member of the Sub-Panel recently working on MOG, I am only too aware of the issues outlined above. We decided there was no point in making suggestions that appeared to have only minority support, and so, sadly, the only improvements put forward were relatively minor ones. The major, recognised, shortcomings were once again left unresolved.

A wider approach would, in my view, have addressed that but, to some extent, we were constrained by the concurrent review of electoral reform. There was no point, for example, in making suggestions that would require, say, 50 members if the Electoral Commission was going to recommend 42, as seemed the case. In my view that, and trying to ensure work did not overlap, was an impediment to a more robust conclusion.

The Panel looked at how ministerial government could be improved, but the piece of work I would have liked to have done but, for reasons above was not able to, was to also look at whether our present deficiencies could be resolved within a committee style MOG and to compare the 2 options.

I have worked for roughly 6 years in each system and, in my view, the committee system served Jersey better than the present one. However, as the years pass, fewer and fewer States members have experience of the former system, and are therefore not able to make the comparison that those of us who worked under the former system can.

I make that observation because, during the MOG Panel's interview of members and chief officers, there was a difference between newer and longer-serving ones, to the extent I believe a majority of the latter believe our previous MOG was better than the current one.

The purpose of this proposition is to evaluate options, so this is not the place to scrutinize the previous committee system – suffice to say the main argument against it was that decisions took too long, but that was a defect in process and could easily be rectified with today's technology.

Furthermore, this is not about re-introducing the system we used to have, but rather evaluating how it might be improved and then comparing it with what we have now. I do believe we missed an opportunity in our reviews by concentrating on modifications to our existing system and not evaluating modifications to a committee system.

Another consideration must be the public. Much has been made, especially regarding electoral reform, about canvassing public opinion and carrying out the public's wishes. Quite how that squares with moving to a ministerial system in the first place escapes me. The public did not ask for the committee system to be changed to a ministerial one. In fact, most people didn't understand what was being proposed – and many still don't now. The truth of the matter is that the changes were essentially driven from above, resulting in a far-from-perfect arrangement which defies improvement. From my observations, whenever discussion of MOG has arisen with members of the public, they have been unanimous in their opinion that the previous system was better.

We have seen fit to ask them about electoral issues; surely it is high time we asked them about their preferred machinery of government, given that the latter has a far more profound effect on everyone's lives.

### **Financial and manpower implications**

There are no foreseen financial or manpower implications for the States arising from this proposition.