

# **STATES OF JERSEY**



## **RÔLE OF THE UNELECTED MEMBERS OF THE STATES: REVIEW (P.5/2009) – COMMENTS**

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**Presented to the States on 2nd February 2009  
by the Minister for Treasury and Resources**

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**STATES GREFFE**

## COMMENTS

It is of course a matter for States Members to decide if they support parts (a) and (b) of this proposition.

The purpose of this comment is primarily to address the funding issues in part (c). Funding pressures already identified for 2009 mean that there is little or no likelihood of the review being funded from within existing resources in this year. It is thought that the cost of the review would be at least £400,000. Under-spends from 2008 may be available but face significant other competing pressures. Without a solution being found this leaves the requirement –

*“... to bring forward for approval a request under Article 11(8) of the Public Finances (Jersey) Law 2008 for the necessary additional funding to cover the cost of the review.”*

This causes concerns for 3 reasons –

Firstly, Article 11(8) of the Public Finances (Jersey) Law states –

*“... the States may, at any time, amend an expenditure approval on a proposition lodged by the Minister on the grounds that –*

- (a) there is an urgent need for expenditure; and*
- (b) no expenditure approval is available.*

Whilst part (b) of the Article is satisfied by the current request, it is doubtful whether part (a) is. The Article is intended for unavoidable matters, such as protecting the Island’s population from a flu pandemic. It is not intended to be a regular vehicle for ad hoc, in-year requests for additional funding for items which could, and should, be prioritised against other competing demands for resources.

Secondly, the consolidated fund simply cannot support additional requests for funding which are not unavoidable. Whilst the principle of this request may be supported, it is difficult to describe it as unavoidable – there is no binding legal or moral obligation for this funding at this time.

Thirdly, what is the status of parts (a) and (b) of the proposition (if approved) if the Minister for Treasury and Resources was required to bring a proposition under Article 11(8) and it was defeated? Would the review still need to be carried out from within existing resources? If so, the only possible approach would be to divide the costs *pro rata* across all departments, which are already struggling to stay within budgets reduced by efficiency savings. This risk becomes greater should the amendment of Deputy T. Pitman be carried.

In summary, the Minister for Treasury and Resources will be guided by the will of States Members in deciding whether they wish to support this proposition. He considers, however, that the requisite funding must be considered against other competing priorities as part of the Strategic and Annual Business Plan processes. Part (c) can only be supported if the view of the Minister for Treasury and Resources is accepted and acknowledged. The Minister will undertake his best endeavours to fund the Review from 2008 under-spends. Should this not be possible, the Minister considers that funding should be sought in the Strategic Plan and 2010 Business Plan.

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### Note

These comments were previously inadvertently printed in error as P.9/2009 Com., ‘Woolworths employees: payment of statutory notice periods (P.9/2009) – comments’, presentation date: 2nd February 2009. That publication should now be discarded.