

STATES OF JERSEY



DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS No. 6) (ECONOMIC DEVELOPMENT AND TREASURY AND RESOURCES TO CHIEF MINISTER) (JERSEY) REGULATIONS 201- (P.75/2013): COMMENTS

**Presented to the States on 20th June 2013
by the Chairmen's Committee**

STATES GREFFE

COMMENTS

Introduction

The Chairmen's Committee, in accordance with Standing Order 143(c), is responsible for keeping under review the operation of the scrutiny function and for making recommendations for change where applicable. P.75/2013 seeks to transfer functions from the Minister of Economic Development to the Chief Minister and has the potential of seriously impacting on the work of 2 Scrutiny Panels, namely the Corporate Services and Economic Affairs Scrutiny Panels.

Consultation

In the first instance, the Committee wishes to express its disappointment that the Chief Minister did not consult with either the Chairmen's Committee or the Corporate Services and Economic Affairs Scrutiny Panels prior to making a statement to the States Assembly on 17th April 2013, when these transfers were announced. Indeed, it would appear that no consideration whatsoever was given to the impact that these transfers may have on the Scrutiny Panels involved.

It is acknowledged that discussions subsequently took place between the President, Chairmen's Committee and the Chief Minister on 23rd May 2013, however, this was due to concerns raised by Scrutiny Panels. The Committee, therefore, remains disappointed in this disregard of the scrutiny function.

Impact on workload

Members will be aware that Scrutiny Panels take responsibility for the work of specific Ministers in accordance with Standing Order 135(1). Consequently, it could be understood that legislation in relation to these areas of financial services to be transferred to the Chief Minister would be referred in the States Assembly to the Corporate Services Scrutiny Panel under Standing Order 72. That Panel already has a full workload with no capacity to take on further work. The remit of the Corporate Services Scrutiny Panel is to consider matters of corporate services, corporate policies and external relations and it is clear that these financial matters do not sit within any of these categories. Equally, the Committee is of the opinion that the matters to be transferred sit more appropriately within the remit of the Economic Affairs Scrutiny Panel.

Future arrangements

Notwithstanding the above concerns, the President and the Chief Minister reached an informal agreement on 23rd May 2013 that these financial matters should remain the responsibility of the Economic Affairs Scrutiny Panel, if this could be achieved within Standing Orders of the States.

The Chairmen's Committee has considered the functions to be transferred as listed under Schedule 1, and is grateful to the Bailiff who has indicated that he is also content to refer these matters to the Economic Affairs Scrutiny Panel under Standing Order 72.

STANDING ORDERS OF THE STATES OF JERSEY

Standing Order 72

“72 Referral of draft Law or Regulations for scrutiny

- (1) If the States agree to the principles of a draft Law or draft Regulations, the draft shall be referred to the relevant scrutiny panel if the chairman of that panel has previously informed the States or confirms, when asked by the presiding officer, that he or she wishes to have the draft referred to the panel.
- (2) If the chairman of the relevant scrutiny panel informs the States that he or she does not wish to have the draft referred to the panel, any member of the States may propose, without notice, that the States request the panel to reconsider the decision.
- (3) If the States agree to the proposal –
 - (a) the 2nd reading of the draft shall not continue at the meeting; and
 - (b) the presiding officer shall, at the next meeting, ask the chairman of the relevant scrutiny panel whether, the panel having reconsidered the matter, he or she wishes to have the draft referred to the panel.
- (4) A draft shall not be referred to the relevant scrutiny panel if it has previously been referred to that panel.
- (5) When a draft is referred to the relevant scrutiny panel or has been so referred previously, but the panel has not reported on it, the States must decide at which meeting the 2nd reading of the draft shall be listed to continue.
- (6) The meeting must not be later than the 4th meeting following the debate upon the principles, disregarding any additional meeting day.
- (7) The relevant scrutiny panel is the scrutiny panel or panels assigned scrutiny of the topic to which the draft relates.
- (8) If there is doubt as to which is the relevant scrutiny panel, the presiding officer shall take the advice of the president of the chairmen’s committee.
- (9) If both the chairman and vice chairman of the relevant scrutiny panel are absent when a question is to be put to the chairman by the presiding officer pursuant to this standing order, the presiding officer shall instead ask the members of that panel who are present, and any one of them may answer.
- (10) This standing order shall not apply to a taxation draft that includes any provision that would implement all or part of a budget.”

Standing Order 135

“135 Scrutiny panels: establishment and constitution

- (1) There shall be –
 - (a) a scrutiny panel which is assigned the topics of corporate services, corporate policies and external relations (“corporate services”);
 - (b) a scrutiny panel which is assigned the topics of economic affairs and economic development (“economic affairs”);
 - (c) a scrutiny panel which is assigned the topics of education, sport and culture and home affairs (“education and home affairs”);
 - (d) a scrutiny panel which is assigned the topics of environment and technical services (“environment”);
 - (e) a scrutiny panel which is assigned the topics of health and social services, social security and housing (“health, social security and housing”).”

Standing Order 143

“143 Chairmen’s committee: terms of reference

The terms of reference of the chairmen’s committee are –

- (a) ...
- (b) ...
- (c) to keep under review the operation of the scrutiny function and, as appropriate, to make recommendations for change;”