

STATES OF JERSEY



MACHINERY OF GOVERNMENT: MODIFICATIONS

**Lodged au Greffe on 8th September 2008
by Deputy G.C.L. Baudains of St. Clement**

STATES GREFFE

PROPOSITION

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

to request the Privileges and Procedures Committee to present to the States a report within 6 months setting out the modifications to the present machinery of government that would be required to provide that Ministers make decisions in conjunction with their Assistant Ministers and by majority consensus (instead of the current unilateral situation).

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

REPORT

It has become increasingly clear that ministerial government has not lived up to expectations. The quicker decisions and huge savings that were promised have not materialised. Instead, many Ministerial Decisions have been demonstrated to be lacking the rigorous analysis that would have occurred under the previous committee system. Whether the proposed sale of Jersey Telecoms, the sale of the old Girl's College, GST, vehicle '30' stickers, the Bel Royal fiasco, paying £100 million for an incinerator we could have bought for just over half that amount, the quality of government has certainly declined under the new system.

We are, effectively, in a party political system – but with only one party. Elsewhere, that would be called a dictatorship. Indeed, a member of Guernsey's government has just made such a comparison. This should not come as a surprise – the Clothier proposals were designed for the UK – where party politics exist – and a second Chamber (the House of Lords) acts as a buffer. Jersey has none of that, and consequently the Clothier proposals were completely unsuitable for us.

Sadly, a few still cling to the idea that Cecil Clothier was a visionary with the panacea for all our ills – if only we had implemented all his recommendations. However, the failure is not because we didn't adopt the proposals 'en bloc'. I'm afraid the advocates of that miss the point, as it is not possible, without a party political system (as opposed to having political parties) to hold a 'general election' with one class of States member.

The public have made it clear they like the grass-roots democracy that a Deputy provides – and also wish those with power (Ministers/previous Presidents of Committees) to have an Island-wide mandate.

If we had only Senators, can you imagine hustings with maybe 100 candidates? Just imagine the ballot paper. Half a dozen candidates might be well known and receive an 'x' – but the last 47 would be a lottery. I cannot imagine that could possibly make for competent government.

The alternative is for an Assembly composed solely of Deputies – elected either as present or in 'super-constituencies'. That Proposition was made but defeated. Clearly, until we have a party political system, as per the UK, we will continue to have different classes of States member – and therefore no 'general election'.

In the absence of a party political system, the Clothier proposals created a one-party State – with Scrutiny as a pseudo-opposition. Whilst Scrutiny has worked hard, the overall system is a poor relation to what was before. Bluntly, it does not work.

What we have now, all but the most intransigent Clothierites will acknowledge, is an unbalanced, inefficient system – where power is concentrated in a few hands with virtually no accountability of any consequence.

Previously, under committee government, everyone was on a Committee of one sort or another – indeed, some were on several Committees. Everyone was in the Executive – and familiar with the way departments/government worked.

Now, we essentially have 10 members making all the decisions – with the other 43 running around trying to find out what's going on. That cannot be an efficient use of States members' time. Not only that, it creates polarisation and distrust.

I am particularly concerned about Ministerial Decisions. For instance, the Minister for Planning and Environment could sanction a huge development – and there's nothing anyone could do about it. The idea that ultimately the threat of a no-confidence motion would hold Ministers to account is wishful thinking. In the case of the Minister for Planning and Environment, it would cost the Island millions to buy out his decision.

Another Minister might decide to cancel all the buses – it would be at least 3 weeks before the States could overturn that decision.

Under the previous committee government, a consensus was required. The Committee President could not act unilaterally – he was obliged to put forward the majority view of his Committee – true democracy was in action,

and we did not see the 'out of the blue' decisions that we do now. The Committee was its own Scrutiny.

Another example – previously we had a Tourism Committee, an Agriculture and Fisheries Committee, an Economic Development Committee and a Harbours and Airport Committee – approximately 28 States members in total applying their minds to the various decisions to be made. Today, there is one person – the Minister for Economic Development (assisted by 2 Assistant Ministers). The Minister may be energetic and hardworking, but can he really do the work of 28 people?

Where is there the diversity of thought, the internal scrutiny before decisions are made? It is absent under our present system.

I have to say, ministerial government has turned out about the way I thought it would.

At the time, there was no concerted opposition to the 'dream' being sold – most people either didn't understand the changes – or weren't too interested.

Now, however, all I hear from the public is 'ministerial government doesn't work'. And I agree with them.

Why lodge this now? I thought of bringing this Proposition many months ago, but reflected that timing is of the essence – present Ministers would understandably be reluctant to give up their power and, come the new Assembly, some old and new members may well be flattered by invitations to ministerial/assistant ministerial positions. Likewise, invitation to membership of a particular Scrutiny Panel could be exciting.

An ideal time to make the sort of changes I suggest is therefore not easy. Coupled with that, Standing Orders require that Propositions be debated within 6 months of lodging. The purpose of lodging at this time is therefore with a view to debate early in the new Assembly – but with sufficient opportunity for reflection in the meantime, and a caution to prospective candidates for office that their position may not be indefinite.

Clearly, by requesting the debate in the next Session, should I decide not to stand for re-election – or do so but not be successful, the Proposition would fall. It would, however, be available for another member to adopt in his/her own name should he/she so choose.

As for the Proposition's wording – I have deliberately left it to PPC to bring forward alternatives. Propositions that are overly prescriptive create problems – some members would have adopted it if only it had included so and so – others if only it hadn't included some other aspect. This way, it is up to members themselves to decide the changes necessary. Clearly, I would have preferred a return to the previous committee system.

I fear, however, that the changes involved might be too extensive for some members. What I'm suggesting, therefore, is a halfway house, similar to the Guernsey model. I believe this could be achieved by allocating a minimum of 3 Assistant Ministers to each ministry (perhaps more to the ones with extensive responsibilities, such as Economic Development) – and requiring each Minister to act only on the majority decision of his 'Committee'.

This would, of course, require consequential adjustment to Scrutiny. I am not persuaded that the present Scrutiny system gives value for money (or effort), and firmly believe that internal scrutiny (as a member of a 'Committee') is far more effective. For a start, 'in Committee' one is familiar with all that is going on and all incoming information – something not available to Scrutiny Panels. Furthermore, there is not the delay created by a Scrutiny Panel starting from scratch. Hopefully, too, matters would be resolved before coming to the Assembly – instead of being called in afterwards with consequent delay. A full analysis of a complex subject by a Scrutiny Panel can take a year – whilst 'in Committee' in an on-going process before a States debate. I would therefore suggest retaining just 2 elements of Scrutiny – the PAC and one general Scrutiny Panel.

I am well aware that PPC recently undertook a Review of the Machinery of Government. Sadly, the terms of reference were narrow – it presumed ministerial government was working and merely needed a few 'tweaks', whereas in my view, the review should have started by comparing the present system with the previous one.

Others have suggested ministerial government needs time to 'bed down'. It has run a full 3 years – how much

longer does one need to see that it is a poor relation to that which went before? It may succour a few members' egos, but it clearly doesn't deliver to the public.

Financial and manpower statement

I am required to make a statement regarding the financial/manpower implications of this proposition. If approved, it will clearly require input from Law Drafting, but any further comments would be made by PPC when it brought recommendations. In the longer term, I foresee savings both from the Scrutiny budget and from better decision-making generally.