

# STATES OF JERSEY

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## MINISTERIAL GOVERNMENT: REVIEW OF FIRST 12 MONTHS (P.77/2006) – AMENDMENT

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Lodged au Greffe on 7th November 2006  
by the Privileges and Procedures Committee

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STATES GREFFE

MINISTERIAL GOVERNMENT: REVIEW OF FIRST 12 MONTHS (P.77/2006) – AMENDMENT

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- (1) *For the words “by March 2007” substitute the words “as soon as practicable, and no later than 30th June 2007,”.*
- (2) *Renumber the proposition as (a) and insert a new paragraph (b) as follows –*
  - “(b) to agree that the review should have the terms of reference set out in the Appendix to the report of the Privileges and Procedures Committee dated 7th November 2006.”

PRIVILEGES AND PROCEDURES COMMITTEE

## **REPORT**

The Privileges and Procedures Committee is fully supportive of the proposition of Senator Shenton that a review should take place after 12 months of ministerial government to assess, at this early stage, how the new system is operating. The Committee believes that it is too early for an in-depth review of the new system but it will be useful for an initial review to be conducted. The Committee notes that the Council of Ministers has also expressed its support for a review. These amendments are intended to ensure that maximum benefit is obtained from the review if the States agree that it should be conducted.

Amendment (1), if adopted, would extend the deadline for the production of the report until 30th June 2007 at the very latest. If the review is to be of the 'first 12 months' of the new system it cannot realistically begin until that period has elapsed in December 2006. This would only leave 3 months in 2007 to complete the review and PPC is concerned that a full in-depth review could take somewhat longer. The Committee intends to establish a sub-committee to conduct the review, with representatives of both Executive and non-Executive members, and PPC believes it would be counter-productive for the sub-committee to be driven to hasty conclusions simply to meet the March 2007 deadline proposed by Senator Shenton. The amendment is therefore intended to ensure that the review is meaningful and that it covers all issues raised during the investigation. It is, of course, possible that the review may be completed earlier than June 2007 and, for that reason, the words 'as soon as practicable' are suggested with 30th June 2007 simply being the final deadline to give members reassurance that the report will be available by that date.

Amendment (2) refers to the terms of reference set out in the Appendix. PPC agrees with the Council of Ministers that the review should have clear terms of reference before it starts and, moreover, PPC believes it is important that the terms of reference are agreed at the outset by the States. The terms of reference are intended to cover all aspects of the new system where a review is considered to be appropriate and they are hopefully self-explanatory.

There are no additional financial or manpower resource implications arising from these amendments. PPC agrees, as set out in Senator Shenton's proposition, that it may be necessary for an officer to be appointed on secondment for a period to support the sub-committee undertaking this work.

**Ministerial Government Review – terms of reference**

- (1) to review the operation of the Council of Ministers and, in particular –
  - (i) the nature of matters listed on the agenda of meetings of the Council and the timeliness and effectiveness of decision-making;
  - (ii) the extent to which decisions are taken by the Council as opposed to individual Ministers;
  - (iii) the relationship between the Council and other members of the States;
  - (iv) the provision of information to members of the States and the public about the work of the Council.
- (2) to consider the rôle of Ministers and Assistant Ministers and, in particular –
  - (i) the relationship between Ministers and the Council of Ministers;
  - (ii) the relationship between Ministers and Assistant Ministers;
  - (iii) and the timeliness and effectiveness of decision-making by Ministers and the manner in which ministerial decisions are recorded and disseminated;
  - (iv) the level of administrative support available to the Council of Ministers, Ministers and Assistant Ministers.
- (3) to review the structure and operation of the scrutiny function (namely the scrutiny panels and the PAC) and, in particular –
  - (i) whether the panels and the PAC are fulfilling their terms of reference as set out in Standing Orders and whether those terms of reference remain appropriate;
  - (ii) the relationship between the panels/PAC, Ministers and the Council of Ministers;
  - (iii) whether the present allocation of subject areas to the 5 scrutiny panels is appropriate;
  - (iv) whether the level of financial and manpower resources allocated to the scrutiny function is appropriate and whether adequate financial control is in place;
  - (v) whether the procedures governing the manner in which the scrutiny function is able to review draft policies and draft legislation are appropriate;
  - (vi) the impact of the establishment of the scrutiny function on the workload of other States Departments, including the non-Executive Departments.
- (4) to review the operation of the Chairmen’s Committee and, in particular –
  - (i) whether the Committee is fulfilling its terms of reference as set out in Standing Orders and whether those terms of reference remain appropriate;
  - (ii) the relationship between the Committee and the scrutiny panels/PAC;
  - (iii) the relationship between the Committee and the Privileges and Procedures Committee;

- (iv) the relationship between the Committee and the Council of Ministers.
- (5) to consider the impact of the introduction of the machinery of government changes on the operation of the States Assembly as the Island's legislature, and in particular –
- (i) whether the statutory provisions on the approval of the common strategic policy of the Council of Ministers (“the Strategic Plan”) are appropriate;
  - (ii) the relationship between the Strategic Plan and the Annual Business Plan;
  - (iii) whether any changes have been made to the authority of the States Assembly by the new system and, if so, whether those changes have been appropriate.
- (6) to review the success or otherwise of the operation in December 2005 of the current procedures for the appointment of the Chief Minister, Ministers, Assistant Ministers and the Chairmen and members of the Chairmen's Committee, the PAC and the scrutiny panels.