

**MACHINERY OF GOVERNMENT: ESTABLISHMENT OF A PRIVILEGES AND PROCEDURES COMMITTEE
(P.23/2002) - AMENDMENTS (P.23/2002 Amd.)- COMMENTS**

**Presented to the States on 12th March 2002
by the Policy and Resources Committee**



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Comments

On 12th February 2002 the Policy and Resources Committee lodged "au Greffe" a report and proposition on the 'Machinery of Government: Establishment of a Privileges and Procedures Committee' (P.23/2002). The House Committee has since presented a set of five amendments to this report and proposition, and the Policy and Resources Committee would like to comment on each of these amendments as follows -

- (1) **In sub-paragraph (i) of paragraph (b) after the words "for approval by the States," insert the words "following consultation with the Bailiff as President of the States,".**

In the report accompanying its amendments, the House Committee states that it considered this issue after the end of the consultation period with the Policy and Resources Committee. The matter has not been a point of disagreement with the Policy and Resources Committee, and indeed the Committee is happy to accept the amendment because it agrees with the principle that the Bailiff should be consulted. The Committee would expect the Bailiff to be consulted in any event, but this amendment makes it clear that this consultation would be a requirement.

- (2) **In sub-paragraph (i) of paragraph (b) after the words "the redrafting of," insert the words "the States of Jersey Law 1966, as amended and" and after the words "to keep" insert the words "the States of Jersey Law 1966, as amended (or any new legislation replacing that Law) and".**

The effect of this amendment would be to assign responsibility for the preparation of the States of Jersey Law to the Privileges and Procedures Committee.

In the report and proposition P.23/2002, it is recommended that the Policy and Resources Committee should be responsible for bringing the new States of Jersey Law to the States, particularly as the new law will cover the whole range of governmental activity, including the role and nature of the Council of Ministers and the executive function. The responsibility for bringing forward legislation in this area would not sit comfortably with the Privileges and Procedures Committee, which the States has agreed should be the committee responsible for all aspects of Assembly procedure.

Members should not lose sight of one of principal decisions of the four-day debate last September: to clearly separate the roles of the executive and the legislature. Having agreed to the separation, any attempt to blur the lines of demarcation should be resisted.

The amendments of the House Committee, particularly in respect of updating the States of Jersey Law, would mean that the members of the Privileges and Procedures Committee had sole charge of the reform of States' procedures, including procedures which would affect the Council of Ministers. Here, immediately, is a blurring of the roles.

The Policy and Resources Committee also believes that care should be taken to share out the tasks which have to be completed before the introduction of the ministerial system so that as many members as possible have a hand in its implementation. The amendments of the House Committee would frustrate this.

In this connection, it should be noted that the Policy and Resources Committee has proposed that the Privileges and Procedures Committee should be fully involved in the preparation of the new States of Jersey Law, particularly with regard to those aspects of the law that will relate to its terms of reference (e.g. the arrangements for scrutiny). In the report accompanying P.23/2001 the Policy and Resources Committee has recommended that the preparation of the new law should be overseen by a Working Group, consisting of representatives of both the Policy and Resources and Privileges and Procedures Committees. In addition to reviewing the existing States of Jersey Law, the Working Group might decide that there are elements of this law that do not need to be retained in the new law, but might be dealt with more effectively under Standing Orders. The Privileges and Procedures Committee could then take this forward as part of its work on reviewing Standing Orders.

In view of the above, the Policy and Resources Committee does not accept this amendment.

- (3) **In sub-paragraph (iii) of paragraph (b) after the words "the Chief Minister" insert the words "and any other member or members as appropriate".**

The Committee is willing to accept this amendment, as it means that any member of the States will be consulted as appropriate on the general procedures for the management of public business.

- (4) **In sub-paragraph (vii) of paragraph (b) after the words "the work of" where they appear for the second time insert the words "the Council of Ministers,".**

The provision of information relating to the Council of Ministers is, in the Committee's view, a responsibility of the executive. The Committee therefore proposes to address this matter as part of its report and proposition on the executive, which will be presented to the States for consideration later this year. Among other things, the proposition will set out how, in conjunction with its duties under the Code of Practice on Public Access to Official Information and members' access to official information, the executive will communicate its decisions to the States Assembly, scrutiny committees and the public.

The Committee accordingly does not accept the amendment.

(5) In sub-paragraph (viii) of paragraph (c) after the words "proposals for amending" insert the words " , or redrafting, the States of Jersey Law 1966, as amended, and".

The Committee opposes this amendment for the same reasons given in its comments on amendment No. (2).