

STATES OF JERSEY

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

Lodged au Greffe on 17th November 2006
by Deputy R.G. Le Hérisier of St. Saviour

STATES GREFFE

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

In paragraph (2) in the new renumbered paragraph (b), after the word ‘Appendix’, insert the words –

“except that –

(a) *In paragraph 3 subparagraph (iv), add the following subparagraph –*

“(v) the degree and nature of co-operation received from Ministers and Departments;”;

(b) *After paragraph 3, add the following paragraph –*

“(4) to review the composition and role of the Privileges and Procedures Committee;”;

(c) *Add the following sub-paragraphs to paragraph 5 –*

“(iv) to assess whether the absence of electoral reform and reform of the Composition of the States has inhibited or hindered the workings of the Ministerial System;

(v) to consider whether the notion of stronger checks and balances is working as intended;

(vi) to consider whether the responsibility for government reform should be placed in the hands of the Council of Ministers.”;

(d) *after paragraph (6) add the following new paragraph –*

“(7) To consider any other matters deemed relevant to this review.” ”.

DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR

REPORT

Introduction

On reading the PPC Response to P.77/2006 and the Council of Ministers' comments, I am struck by the emphasis on examining administrative arrangements and not on asking the fundamental question – does the new Ministerial system meet its overall objectives as part of the Government? I am not convinced that tightening up administrative or financial arrangements will, of itself, bring us substantially nearer to meeting those objectives.

I am also reluctant to collude with the view that this is an interim review and, as such, a lesser review.

While it may be premature to pass judgment on all parts of the new system, in some areas it is patently obvious that there are serious issues. They should be highlighted now.

I do not want to be told further down the line, “We looked at how it was working out and, bar a few glitches, all seemed in reasonable health”.

Detailed comments

All refer to the Appendix.

(a)

Degree and nature of co-operation received from Ministers and Departments

Anecdotal information indicates that in some cases there are delays in forwarding information, there are questionable judgments being exercised by ministers as to what should or should not be released. What does co-operation mean in this context, what should it mean?

(b)

Composition and role of PPC

All key players bar PPC will be subject to examination. PPC is an integral part of the system of checks and balances and, as such, its role and composition needs examination.

I also have serious questions as to whether it should be driving government reform.

(c)

Absence of electoral reform and reform of composition of the States

Here we come to one of the major issues – Clothier was based upon a new Ministerial System which would be subject to the checks and balances of a revitalised democracy. In its wake, it was intended to produce much greater accountability and much greater public commitment and interest. How can you assess whether a new system is working when the complementary side of that system remains unreformed?

Stronger checks and balances

Putting aside my point and electoral and compositional reform, this amendment invites the Review to look at the new or enhanced instruments of accountability, e.g. question-time, follow-up to Scrutiny Reports, use of Votes of No Confidence.

Responsibility for Government Reform

On first glance, this looks a curious assertion. I have been told that there is even less chance of government reform moving forward if responsibility for it resides with the Council instead of with PPC.

When a committee structure existed it seemed proper that responsibility resided with a Committee.

On reflection, I have shifted my position for two major reasons.

First, policy leadership now clearly resides with the Council, and what more important policy could there be than that promoting democratic reform?

Second, as past experience vividly demonstrates, the politics of reform and how they are managed are as important as the intrinsic merits of the proposals. While PPC may have somewhat more credibility because they are not “tainted” (allegedly) with being part of the Executive, I would suggest that the real battle for hearts and minds will take place in the Community.

Given the crucial and emotionally charged nature of this project, leadership should come from the front. The Council should be made to face up to the reality of the politics of government reform.

Handled properly and with bold leadership, the assertion that PPC-derived reform is somehow more acceptable than Council-led reform can be proved irrelevant.

(d)

This is simply a Catch-All provision.

Conclusion

Great hopes were invested in the new Ministerial system. For various reasons, we have half a system and, as was often raised in the marathon debates, we have a system which evolved within the disciplines and culture of a political party framework.

Unless these broader issues are considered, any review will be operating with blinkers.

Financial and manpower implications

The addition of these further items for review should require no significant addition of resources.