

STATES OF JERSEY



DRAFT STATES OF JERSEY (AMENDMENT No. 8) LAW 201- (P.33/2014): SECOND AMENDMENT

**Lodged au Greffe on 11th April 2014
by Deputy T.A. Vallois of St. Saviour**

STATES GREFFE

DRAFT STATES OF JERSEY (AMENDMENT No. 8) LAW 201- (P.33/2014):
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PAGE 41, ARTICLE 2 –

In paragraph (c) in the inserted paragraph (3A)(b) after the words “a code of conduct” insert the words “and a code of practice”.

DEPUTY T.A. VALLOIS OF ST. SAVIOUR

REPORT

The amendment hereby proposed could merely be seen as an administrative requirement, therefore easily accepted and recognized as simple implementation by those responsible for doing so.

In my opinion, this is a significant step towards a more important direction in the ability for an appropriate Accountability Framework that would create greater recognition in the importance of the governance of Ministerial Government.

No matter how much research is done on other jurisdictions in respect of implementing a code of practice for the Executive, it would be extremely difficult to identify one in a clear context. More so, research would suggest that codes for items such as ethics, conduct, etc. would be more prominent in their results.

In addressing the unique nature of our political make-up and accepting the belief that Ministerial Government is in fact the most appropriate model for achieving the most efficient and effective means to governance and delivery of public service in Jersey, we also need to accept that we cannot just apply what other jurisdictions do, and ensure that sufficient assessment is made of the way in which we try to improve on our main principles of openness, transparency and especially accountability.

Government plays an extremely vital role in enabling this to happen.

I attach a link to a report published by the Canadian Government, entitled: '**Accountable Government: A Guide for Ministers and Ministers of State 2011**', which addresses many complexities and concerns with regard to accountability and governance in ways that can be replicated within our system:
http://www.pm.gc.ca/grfx/docs/guidemin_e.pdf

With all these details in mind, we should then refer to the fact that when Ministerial Government was developed in 2005, only Scrutiny and PAC were required to provide a code of practice, which was not only developed, but also approved, by this Assembly (some 2 years later). There was a requirement for a code of conduct for Ministers which has not been amended since its original inception, and only really replicates the members' code of conduct with a few 'tweaks'.

Without a clearly set out working practice for the way in which Ministers are to carry out their functions, it is very difficult, not only for the non-executive to hold them to account, but also to address the fact that they should be holding each other to account in their day-to-day activities.

One sanction that can be used to hold Ministers to account (although could be seen as extreme) is a Vote of No Confidence. If a member is of the belief that a Minister is not performing, then there should at least be a code of practice that encompasses main principles for the expectations of how Ministers carry out their functions.

Whether the Chief Minister is given the ability to hire and fire or any form of collective responsibility for the executive, I firmly believe that there should be a statutory requirement for the executive to produce and publish a code of practice so that the ability for all members to hold Ministers to account cannot easily be obscured.

We are all responsible for accountability, whether we are in the executive or the non-executive.

A code of practice allows for setting out the working practices of a particular area or group of people that not only allows for a clearer assessment for checks and balances but also, a better understanding by the group of the roles and responsibilities of each individual and how they are to interact. By taking account of best practices around the world by setting out some clarity in the way in which our Government works, allows a better ability for managing expectations between the States Assembly and the Government, Scrutiny and the Government, and more importantly the States of Jersey and the Public.

Financial and manpower implications

No further financial implications for the States are envisaged to arise from this amendment.

The only manpower that could be foreseen is the required time of the officers to ensure a code of practice is put together for agreement by the Council of Ministers.