

STATES OF JERSEY



COLLECTIVE RESPONSIBILITY STATEMENTS: PROPOSITIONS, AMENDMENTS, COMMENTS OR STATEMENTS LODGED OR SUBMITTED BY A MINISTER

**Lodged au Greffe on 12th April 2016
by Deputy S.M. Wickenden of St. Helier**

STATES GREFFE

PROPOSITION

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

- (a) to agree that the Standing Orders of the States of Jersey should be amended to require that any proposition, amendment, comments or statement lodged or submitted by a Minister should include a statement detailing which Ministers and Assistant Ministers are bound to vote in accordance with collective responsibility in respect of the proposition or amendment; and
- (b) to request the Privileges and Procedures Committee to bring forward for approval the necessary amendments to the Standing Orders of the States of Jersey to give effect to the proposal.

DEPUTY S.M. WICKENDEN OF ST. HELIER

REPORT

In this proposition I am asking that the [Standing Orders of the States of Jersey](#) and, in particular, Standing Order 21, should be amended to make it mandatory for all propositions, amendments and comments to list those Ministers or Assistant Ministers who are bound within collective responsibility.

Since this Assembly was elected in 2014, the Council of Ministers have brought 161 propositions to the Chamber for debate, only one of which was a free vote. Out of the 160 propositions brought before the Assembly that were under collective responsibility, all Ministers and Assistant Ministers voted with the Council of Ministers.

Collective Responsibility was enacted on 14th May 2014 through the adoption by the States of P.33/2014 – [Draft States of Jersey \(Amendment No. 8\) Law 201-](#).

There were 25 votes in favour, 17 votes against and 9 members were absent for the vote.

The voting record can be found using the link below:

<http://www.statesassembly.gov.je/Pages/Votes.aspx?VotingId=3285>.

The Chief Minister said, in his closing speech during debate on P.33/2014, Article 2 as amended –

“It is about trying to refine the mechanism we have to make it more effective and more accountable on behalf of the Public”.

This proposition is not about judging the merits of collective responsibility, but rather it’s about further refining the mechanism to make it more transparent on behalf of the Public.

I feel that collective responsibility is not widely understood by Islanders, who are unsure why it is in place and which Members are required to vote with the Council of Ministers.

Adding a list of Ministers and, when required, Assistant Ministers, held by collective responsibility to a proposition, amendment or comment, will help Islanders to better understand who has voted based on the debate in the States Chamber, and who is voting due to having been involved in a Council of Ministers’ meeting to discuss the said proposition or amendment.

Extract from [R.11/2015: Code of Conduct and Practice for Ministers and Assistant Ministers](#)

- “4. Ministers should uphold the principle of collective responsibility, save where it is explicitly set aside by the Chief Minister in relation to a “free vote” (most commonly used on an ‘issue of conscience’) or “agreement to differ” (as the Chief Minister may determine in exceptional cases). Collective responsibility requires that Ministers should be able to express their views frankly and freely in private, while maintaining a united position when decisions have been reached. This includes not disclosing the internal process through which a decision has been made by the Council of Ministers (“Council”), and extends to all exchanges between Ministers in the furtherance of the functions of the executive.

5. The principle of collective responsibility also extends to the Assistant Ministers of the Minister proposing a matter to the States Assembly, and, where it is the Council as a whole that is proposing a matter, to the Assistant Ministers who assist the Minister who has the principal policy responsibility and who would be the main rapporteur.”

Financial and manpower implications

There are no financial or manpower implications for the States arising from this proposition.