



Privileges and Procedures Committee

Your ref:

Our ref:

450/1

7th May 2013

Senator S.C. Ferguson
Chairman, Corporate Services Scrutiny Panel

Dear Senator Ferguson,

Scrutiny Review: Minister for External Relations

You will doubtless recall that PPC met with the Chief Minister last Thursday to discuss the proposal to establish the office of Minister for External Relations. PPC is aware that your Scrutiny Panel will conclude its review of the proposal in the next few weeks and it understands that your Panel would welcome the views of the Committee in early course.

PPC's interest in the proposal arises as a consequence of Standing Order 128 (a), which charges the Committee with keeping under review the composition, the practices and the procedures of the States as Jersey's legislature and bringing forward for approval by the States amendments to the Law and standing orders as considered appropriate.

The Chief Minister has made the case for a Minister for External Relations, having addressed your Panel at a public hearing on 9th April. PPC has no observations to make on that case, save to note that in recent years we have heard strong arguments for the establishment of other ministerial roles, including a Minister for Children and a Minister for Justice. Against that backcloth, the Committee is mindful of the so called 'Troy rule' and the outcome of the referendum on reform of the States Assembly. An Assembly of 42, constituted in accordance with the Troy rule, would have room for only 18 ministers and assistant ministers. Some thought will therefore need to be given to which ministerial portfolios are truly necessary in 2014, irrespective of whether a Minister for External Relations is approved. Thought will also need to be given to the corresponding scrutiny structure.

The above gives rise to at least 2 related questions.

First, one should ask whether the Troy rule is still needed. Our own Machinery of Government Review Sub-Committee has concluded that a majority of Members support the retention of minority government scrutinised by a majority of Members, as envisaged by the Clothier Panel. It has implied, however, that we may not need to retain the Troy rule in its present form. PPC has learned recently that the Chief Minister has been considering this same issue and we await his conclusions.

Secondly, the Assembly might wish in due course to consider whether the existing rules and methodology for appointing the Council of Ministers remain appropriate. Ministerial portfolios are defined by Standing Order 117(1), while the number of Ministers is prescribed in Article 18 of the States of Jersey Law 2005. The existing rules do not allow the Chief Minister to align ministerial portfolios to fit the strategic priorities he or she identifies at the commencement of his or her term of office. Although PPC has not yet formed a view on this matter, it anticipates that an argument could be constructed in favour of giving the Chief Minister significantly greater flexibility in this regard.

In summary, PPC's view is that the question of whether the office of Minister for External Relations should be created may to some extent have been overtaken by the issue of how our machinery of government should be adapted to fit a smaller States Assembly.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A.S. Crowcroft', written in a cursive style.

Connétable A.S. Crowcroft
Chairman, Privileges and Procedures Committee

Please quote our reference number when responding to correspondence.