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Machinery of Government Departmental Arrangements

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The term 'machinery of government' describes a variety of organisational or structural aspects of government, most commonly the number and names of government departments and ministerial portfolios. This research paper outlines the principles upon which machinery of government arrangements are made and addresses the arrangements existing in the UK, Ireland and elsewhere. In particular, the paper examines the move towards a more thematic approach to arrangements in Scotland and Wales and explores the potential for change in Northern Ireland.

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Executive Summary

Principles of machinery of government changes

Machinery of government relates to the structural organisation of government, including the allocation of functions and the number of departments and ministerial portfolios. Modern attempts to define how government should be structured in the UK date back to the Haldane Committee in 1918, which recommended that the UK Government should be organised according to the services to be performed, for example separate ministries for health, education defence etc.

The idea that government should be arranged according to the 'function' or 'purpose' principle became dominant in most central governments – 'All responsibility for a single function should be placed in a single unit'. In the context of the UK Government, the fundamental structure has remained largely intact despite changes to individual departments. The structure has been criticised for fostering a 'silo' mentality within departments at the expense of a joined-up approach that might, it is claimed, lead to the more effective delivery of government services.

Reasons for machinery of government changes

There are five main reasons why governments might undertake organisational change:

- Enabling a clearer focus on areas of government priority
- Promoting greater coordination between policy areas
- Achieving broader political objectives
- Achieving greater levels of efficiency in the public sector
- Taking action to address underperforming departments

Westminster

The Prime Minister is responsible for the organisation of Government and the allocation of functions between Ministers. A Transfer of Functions Order is usually laid before Parliament to give effect to the changes. However, in many instances the Order is laid after the actual changes have taken place.

The process by which machinery of government changes are made is not without its critics, with three major concerns having been identified:

- No time to plan for changes
- Lack of funding
- Overloaded staff

Republic of Ireland

Article 28 of the Constitution of the Republic of Ireland (Bunreacht Na hÉireann) sets the range of the permissible number of Ministers in the Irish Cabinet, which cannot fall below seven or exceed 15.

In 2003 the All-Party Oireachtas Committee on the Constitution published a series of progress reports looking at various aspects of the Constitution. It recommended no change to the range of Cabinet Ministers and stated that matters such as the allocation of portfolios and relations between departments were matters best left to legislation.

A number of reforms relating to the structure of government have taken place in the Republic in recent years, including the new Department of Public Expenditure and Reform.

Scotland, Wales and Northern Ireland

Devolution has offered the devolved executives an opportunity to move away from the Westminster model, with the Scottish Government in particular attempting to implement a more coordinated, cross-cutting approach to policy delivery.

The current departmental structure in Northern Ireland lies in the inter-party negotiations following the signing of the Belfast (Good Friday) Agreement. As a result, the old six department structure under the Northern Ireland Office was supplemented with a further five¹, with some existing departments being renamed.

The basis for the current devolved administrations lies in the respective legislation establishing each institution: The Scotland Act 1998, the Government of Wales Act 1998 (and later the 2006 Act) and the Northern Ireland Act 1998. The Scottish and Welsh legislation allows the First Ministers relative freedom in choosing ministers, while the consociational nature of the settlement in Northern Ireland is reflected in the use of the D'Hondt mechanism to appoint ministers. The Northern Ireland Act 1998 does allow the First Minister and Deputy First Minister acting jointly to determine the number of Ministerial offices to be held by Northern Ireland Ministers, but this entails re-running the D'Hondt mechanism for all Ministerial offices (the Minister for Justice is currently appointed under a special arrangement which is separate from D'Hondt). The number of departments is set at 10, but the Secretary of State may by Order increase the number of departments. The 1998 Act also allows for the appointment of junior ministers. The source of the current structure of government lies in the interparty negotiations following the signing of the Belfast (Good Friday) Agreement. The result of these negotiations was the old six department structure, under the Northern Ireland Office, being supplemented with a further five departments², with some existing departments being renamed.

¹ http://www.legislation.gov.uk/nisi/1999/283/pdfs/uksi_19990283_en.pdf

² http://www.legislation.gov.uk/nisi/1999/283/pdfs/uksi_19990283_en.pdf

In some respects, the administrations in Scotland and in Wales (from 2006) have attempted to depart from the traditional Westminster model by creating cross-cutting or thematic departments. This in part reflects a desire, particularly in Scotland, to deliver a new type of politics distinct from Westminster and create a more focused method for delivering the policies of the Government of the day. It is important, however, not to overstate these changes – both Scotland and Wales still mirror the UK Government in key aspects, such as Cabinet-style administrations and the right of the First Minister to choose ministers.

The Scottish National Party (SNP) undertook a significant reconfiguration of government following the 2007 Scottish Parliamentary election. Departments were replaced with directorates based on five strategic objectives. This not only reflected the priorities of the incoming government but was also motivated by First Minister Alex Salmond's desire for a smaller, more focused Cabinet. Further reform followed in 2011 when the SNP was returned as the majority party and chose to redefine its policy objectives.

Beyond the UK, the Flanders government provides another example of coordination between departments distinct from the Westminster model. There the political responsibility for the functions within one department may lie not only with more than one minister but with ministers from different political parties.

There is no definitive right or wrong way to design an Executive/Cabinet and departments. Often, the key consideration will be political expediency rather than detailed planning as to which arrangement would deliver the most effective method of policy implementation.

Key points

The term Machinery of Government describes a variety of organisational or structural aspects of government, most commonly the number and names of government departments and ministerial portfolios.

Addressing machinery of government change means addressing a number of questions.

- On what principle should the work of government be divided up?
- How many departments should there be?
- What should these departments be called?
- What arrangements for political accountability for the functions of these departments should be in place?

There are no right answers to these questions and it has been argued that if there is an ‘iron law’ regarding machinery of government change, it is that ‘political convenience will override any other consideration’³.

The machinery of government examples identified in this paper are contingent on a range of factors particular to each jurisdiction. The arrangements in Scotland and Wales reflect attempts of recently established modern administrations to move from more traditional arrangements, albeit within the constraints imposed by legislation. The extent to which Northern Ireland can do likewise is constrained by the unique legislative provisions relating to the establishment and operation of government which are contained in the Northern Ireland Act 1998.

³ Jordan G (1994) *The British Administrative System: Principles versus Practice*.

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1 Introduction

This research paper was commissioned by the Assembly and Executive Review Committee to inform its work in reviewing the number of Northern Ireland government departments. It provides information on the structures of government in the UK and Republic of Ireland, including the origin of these structures. It also examines how the Scottish and Welsh administrations have evolved to move away from the traditional Westminster structure that existed pre-devolution. Finally, it highlights examples from other jurisdictions outside the UK and Ireland.

The paper begins by addressing the form and function of government, including various models that have been used to describe the relationship between the allocation of functions and organisation of departments.

2 Machinery of Government

Principles for allocating functions

Changes to the allocation of functions or number of government departments are commonly known as changes to the ‘machinery of government’. This term “describes a variety of organisational or structural aspects of government, most commonly the number and names of government departments and ministerial portfolios”⁴.

A commonly accepted feature of organisational design is that form should follow function, and this applies equally to the machinery of government⁵. The first modern attempt to define how government should be structured was the Machinery of Government Committee (also known as the Haldane Committee). The Committee was appointed to “enquire into the responsibilities of the various Departments of the central executive Government and to advise in what manner the exercise and distribution by the Government of its functions should be improved”⁶.

The Haldane Committee attempted to define the principles upon which the functions of departments were to be determined and allocated and proposed two possible methods for achieving this:

1. The principle of allocating functions according to the persons or classes to be dealt with; or
2. Allocation according to the services to be performed.

The Committee’s report rejected the first option on the basis that it would be too difficult to limit the number of individual departments that would be needed to cover all possibilities. In favouring the second option, the Report pre-empted future debates

⁴ KPMG ‘Machinery of Government: current arrangements of Australian Government’, April 2012

⁵ Asian Development Bank, ‘To Serve and to Preserve’, 2001

⁶ Nuffield University ‘Machinery of Government Reform: Principles and Practice, 1992:

around 'joined-up' government when it recognised that a department could not operate in isolation "such was the need for co-operation between Departments in dealing with business of common interest"⁷.

The next notable attempt to define the relationship between functions and departments came in 1937 in the United States. Four categories were put forward:

- Purpose: such furnishing water, crime control, provision of education
- Process: engineering and medicine
- Clientele served: immigrants, veterans, Indians, forests, mines, parks, orphans, farmers, the poor
- Place where service is rendered: this could be a state, city or other region or it could be a building, such as a school⁸

Grouping functions

According to some observers "The function (or purpose) principle...has become the dominant principle of organisation in most central governments". Within this principle four criteria⁹ for efficient grouping have been identified:

Table 1: Principles for organisation of government

Principle	Comment
Non-fragmentation	All responsibility for a single function should be placed in a single unit
Non-overlap	No two departments should have the same authority to act in the same circumstance
Span of control	Involves grouping functions in manageable organisational sizes and tailoring the workload to the capacity of the minister and his chief officials
Homogeneity	No single administrative unit should attempt to perform heterogeneous functions or to serve competing purposes (this is related to the principle of non-fragmentation)

Limitations of the function principle

Although reform has taken place and machinery of government changes are fairly regular, pre-devolution there had been no attempt in the UK to move away from the fundamental structure of each department carrying out a distinct set of functions. However, some have argued that "the result has been a culture of thinking and working inside departmental cages and a defensiveness about functional turf which still bedevils British government's effectiveness despite innumerable efforts to contain, combat or undermine it"¹⁰. This is despite numerous attempts to foster a more coordinated approach among departments. It has been suggested that such efforts are likely to fail because "The system is fundamentally designed to administer discrete

⁷ Haldane Report 1918

⁸ L Gulick and L Urwick (eds) 'Papers on the Science of Administration', Institute of Public Administration, 1937

⁹ Asian Development Bank, 'To Serve and to Preserve', 2001

¹⁰ Demos, 'Holistic Government, 1997: www.demos.co.uk/files/holisticgovernment.pdf?1240939425

functions and that design defends itself against even the most robust attempts to bring functions together”¹¹.

As the paper explores below, devolution has witnessed attempts by the Scottish and Welsh administrations to break with the traditional Westminster model, characterised by function based departments, the political responsibility for which lies with a secretary of state.

Why do machinery of government changes occur?

There are a number of reasons that can be put forward to explain machinery of government changes and in many cases the following factors may overlap to explain a government’s decision to reorganise¹²:

Table 2: Drivers for change in machinery of government

Driver for Change	Comment
Enabling a clearer focus on areas of government priority	Structures of government change over time as new and emerging policy areas rise to prominence at the expense of others
Promoting greater coordination between policy areas	For example, departments can be merged to deliver a more coordinated approach to complex policy areas. This is a move away from departmental ‘silos’ towards a more joined-up approach. However, there are drawbacks to this; a large department containing a large number of discrete functions may still contain strong internal silos, which can prove resistant to change and difficult to coordinate
Achieving broader political objectives	This could reflect the dynamics within Cabinet, for example ministerial reshuffles. An Institute for Government study looked at UK machinery of government changes and found that almost half (48%) were attributable to political influences, 29% were driven by service delivery concerns and the remaining 23% were linked to policy decisions.
Achieving greater levels of efficiency in the public sector	This is driven largely by the desire for savings in public finances. Larger but fewer departments result in economies of scale i.e. combining back-office support services, regional offices and call centres previously delivered across multiple separate departments.
Taking action to address underperforming departments	A department that has failed in service delivery may be abolished and a new department with the same functions could be established (albeit with a new leadership team). In doing so, the Government appears to have taken decisive action to address a problem, whether real or perceived.

¹¹ Demos, ‘Holistic Government, 1997: www.demos.co.uk/files/holisticgovernment.pdf?1240939425

¹² KPMG ‘Machinery of Government: current arrangements of Australian Government’, April 2012

Framework for machinery of government changes

An analysis of current machinery of government arrangements sets out four main options available to governments engaging in reallocation of functions or reorganisation of departments:

- Establishing a new government department or agency
- Abolishing an existing department or agency
- Changing the name of an existing department or agency
- Moving certain functions between departments or agencies, or amalgamating whole departments or agencies (more common)

Machinery of government changes are more likely to occur in the immediate aftermath of an election or in conjunction with a ministerial reshuffle. They also take place when new arrangements are required to administer new legislation or undertake new functions.

3 The structure of government at Westminster

The UK Government

In a 2007 report on machinery of government changes, the Public Administration Select Committee (PASC) provided a brief overview of the origins of the current structure of government in the UK:

The structure of British government is still shaped by the recommendations of the Haldane Report of 1918. That seminal report set out a basic principle of “defining the field of activity in the case of each Department according to the particular service which it renders to the community as a whole”. It advocated separate ministries for Health, Education, Finance, Foreign Affairs and Defence – all of which essentially remain. No fundamental reshaping has since taken place...¹³

Although the basic structure has remained in place, the report cited two reasons for individual departmental change:

- Administrative efficiency
- Personal chemistry – balancing the Cabinet, matching responsibilities to personalities and their capabilities

¹³ Public Administration Select Committee, Machinery of Government Changes, 2007

The Cabinet Manual

The Cabinet Manual provides information on the structure of the UK Government in relation to the allocation of functions to ministers and government departments:

The Prime Minister is responsible for the overall organisation of the Government and the allocation of functions between ministers. It is a fundamental part of the Prime Minister's role to ensure that Cabinet and the Government are structured in the most effective way.

As powers generally rest with the Secretary of State and departments do not have their own legal personality, the structure of government departments tends to change to reflect the allocation of functions to ministers.

The Prime Minister has responsibility for machinery of government changes and his/her written approval must be sought where it is proposed by ministers to transfer functions:

- Between ministers in charge of departments, unless the changes are minor and can be made administratively and do not justify public announcement
- Within the field of ministerial responsibility of one minister, when the change is likely to be politically sensitive or to raise wider issues of policy or organisation
- Between junior ministers within a department, when a change in ministerial titles is involved

The Prime Minister's approval should also be sought for proposals to allocate new functions to a particular minister where the function does not fall wholly within the field of responsibilities of one minister, or there is disagreement about who should be responsible.

A transfer of functions order (an Order in Council under the Ministers of the Crown Act 1975) is likely to be needed for major changes involving ministerial departments. The Cabinet Secretary is responsible for advising the Prime Minister on machinery of government changes.

While the allocation of functions to ministers is a matter for the Prime Minister, the Government informs Parliament of significant machinery of government changes. The Cabinet Office publishes an explanatory document about major changes on the Cabinet Office website and arranges for it to be placed in the libraries of both Houses. This helps explain to Parliament and the public the Prime Minister's reasoning for making the changes. Ministers usually make themselves available to any relevant select committee that wishes to examine the implementation of such changes¹⁴.

The Ministers of the Crown Act 1975 does provide a check on the ability of Governments to re-organise departments. The Act provides that machinery of

¹⁴ Cabinet Manual, Cabinet Office

government changes should be made by Order in Council. However in practice Transfer of Functions Orders are usually laid some time after the changes have been made¹⁵.

Schedule 2 of the House of Commons Disqualification Act 1975 specifies that not more than 95 holders of ministerial offices are entitled to sit and vote in the Commons at any one time. This schedule may be amended by Orders in Council made under the Ministers of Crown Act 1975 in “consequence of a transfer of ministerial function or the dissolution of a Department; but the aggregate number of ministerial offices contained in the schedule may not be increased by such an Order”¹⁶.

Institute for Government research on machinery of government changes

In May 2010 the Institute for Government published a report examining in detail issues around machinery of government changes at Westminster. As part of the work, the Institute conducted interviews with senior and former officials. The main themes to emerge from the interviews included:

- **No time to plan:** new departmental structures are often announced by the Prime Minister with little or no prior planning...in many cases, departments were created over a weekend, and in (one) exceptional case...the team was given only night to prepare
- **Lack of funding:** new departments are allocated insufficient budgets to cover the set-up of corporate overhead functions. This is partly because the treasury insists...that all changes are cost neutral
- **Overloaded staff:** once departments are live, top officials and transition teams find themselves with a double workload, running day-to-day operations while also undertaking the strategic planning needed for new or reorganised departments
- **Little central support:** the Cabinet Office and Treasury do not have the resources to provide effective support to new departments

Furthermore, the report noted:

In some other liberal democratic countries (such as the US) changing national government departments is rarely undertaken and requires Herculean efforts at achieving consensus before reforms can be made. But in the UK the organisation of Whitehall basically stems from Crown prerogative powers – that is from the unremoved autocratic powers of the medieval British monarchy...the ability to re-sculpt Whitehall’s departmental structure is fundamentally exercised on the Crown’s behalf by government ministers, in this case specifically the Prime Minister, with some subsequent parliamentary scrutiny¹⁷.

¹⁵ As above

¹⁶ Erskine May page 42

¹⁷ <http://www.instituteforgovernment.org.uk/sites/default/files/publications/A%20game%20of%20two%20halvesv3.pdf>

4 Republic of Ireland

Article 28 of the Constitution of Ireland (Bunreacht Na hÉireann) addresses the composition of the Government.

Article 28(1): The Government shall consist of not less than seven and not more than fifteen members who shall be appointed by the President in accordance with the provisions of this Constitution

28(4): The Government shall meet and act as a collective authority, and shall be collectively responsible for the Departments of State administered by the members of Government

28(7): The Taoiseach, the Tánaiste and the member of the Government who is in charge of the Department of Finance must be members of Dáil Éireann.

The other members of the Government must be members of Dáil Éireann or Seanad Éireann, but not more than two may be members of Seanad Éireann.

28(12): The following matters shall be regulated in accordance with law, namely, the organisation of, and distribution of business amongst, Departments of State, the designation of members of the Government to be the Ministers in charge of the said Departments, the discharge of the functions of the office of a member of the Government during his temporary absence or incapacity, and the remuneration of the members of the Government¹⁸.

Review of Government

In 2003 the All-Party Oireachtas Committee on the Constitution published a series of progress reports looking at various aspects of the Constitution. The eighth report focused on Government. It recommended that the range for the number of Cabinet members (7-15) should remain unchanged. It also noted that: "The Government Chief Whip attends cabinet on an administrative basis, as do some junior ministers from time to time. This system does not have, nor does it seem to require, a constitutional basis"¹⁹.

Furthermore it stated that: "Matters such as the allocation of portfolios, the relations between departments and between ministers and civil servants, and the recruitment, accountability and conduct of civil servants or special advisers are matters best left to legislation"²⁰.

¹⁸ <http://www.constitution.ie/constitution-of-ireland/default.asp>

¹⁹ <http://www.constitution.ie/reports/8th-Report-Government.pdf>

²⁰ <http://www.constitution.ie/reports/crg.pdf>

Reform under the Cowen Administration

The then Taoiseach Brian Cowen used a 2010 Cabinet reshuffle as an opportunity to reassign responsibilities between Departments. Outlining the proposed changes the then Taoiseach explained:

As our focus shifts to generating economic growth again, so must Government adapt to the new challenges and sharpen its focus on new tasks. This requires changes in how Government works.

In approaching the re-configuration of Government Departments, the starting point has to be clarity about the objectives to be achieved.

Restructuring of Departments and agencies inevitably entails disruption and costs but I am satisfied that with the changes I am making, the benefits will outweigh the costs, because they will:

- group functions whose combination is more appropriate to current priorities than the present arrangements;
- ensure greater coherence and produce more efficient delivery; and
- underline the priority issues for this Government in a way that mobilises a broad response

I propose to sharpen this focus within the Department of Enterprise, Trade and Employment, which will be renamed the Department of Enterprise, Trade and Innovation, by transferring to it funding for the Programme for Research in Third Level Institutions. This will help to bring together a streamlined and focused programme of funding of research and development, aligned with the objectives of enterprise policy.

Responsibility for skills and training policy is being re-allocated to the Department of Education and Science, which will become the Department of Education and Skills²¹.

Reforms under the current Government

Shortly after the election of the Fianna Gael/Labour coalition in the Republic of Ireland, Taoiseach Enda Kenny announced a significant reorganisation of government departments. In June 2011, the Minister for Finance was asked in a parliamentary question to outline the progress made to date in implementing the reforms:

The process of transferring functions from one Department to another is carried out by means of Government Orders under powers contained in section 6(1) of the Ministers and Secretaries (Amendment) Act 1939, while in some cases primary legislation may be needed.

²¹http://www.taoiseach.gov.ie/eng/News/Archived_Speeches_and_Press_Releases/2010/Taoiseach's_Speeches_2010/Speech_by_the_Taoiseach,_Mr_Brian_Cowen,_TD,_Dáil_Éireann,_Nomination_of_Members_of_Government,_23rd_March,_2010.html

Orders to implement the majority of the changes have already been made. On 29 March the Government made an order transferring responsibility for the functions of the Minister for Community, Equality and Gaeltacht Affairs in relation to Equality, Integration, Disability and Human Rights to the Minister of Justice and Law Reform with effect from 1 April 2011. A second order was made to change the title of the Minister for Justice and Law Reform to the Minister for Justice and Equality — and a similar name change for the Minister’s Department, with effect from 2 April 2011²².

The Minister then went on to explain the arrangements for the creation of a new department of Public Expenditure and Reform. This new Department came into existence via the Ministers and Secretaries Act 2011 which at the same time transferred some functions from the Department of Finance²³.

Table 3: List of Irish government departments²⁴

Department of Agriculture, Food and the Marine
Department of Arts, Heritage and the Gaeltacht
Department of Children and Youth Affairs
Department of Communications, Energy and Natural Resources
Department of Defence
Department of Education and Skills
Department of Environment, Community and Local Government
Department of Finance
Department of Foreign Affairs and Trade
Department of Health
Department of Jobs, Enterprise and Innovation
Department of Justice and Equality
Department of Public Expenditure and Reform
Department of Social Protection
Department of the Taoiseach
Department of Transport, Tourism and Sport

The use of cabinet committees to coordinate policy

Recent research has examined the use of cabinet committees in the Republic of Ireland to address cross-departmental issues. These committees are typically chaired by senior officials from the Department of the Taoiseach²⁵: When the government is committed to a policy priority, the senior official can draw on considerable authority to

²² <http://debates.oireachtas.ie/dail/2011/06/07/00079.asp>

²³ As above and also see Explanatory Note: <http://per.gov.ie/wp-content/uploads/Ministers-and-Secretaries-Amendment-Bill-2011-memo.pdf>

²⁴ <http://www.gov.ie/tag/departments/>

²⁵ Eoin O’Malley and Muiris MacCarthaigh, ‘Governing Ireland: From Cabinet Government to Delegated Governance, Institute of Public Administration 2012

mobilise resources, coordinate officials in other departments, convene strategy meetings and expedite policy initiatives”²⁶.

5 Scotland, Wales and Northern Ireland

Background

In Scotland and Wales changes to ministerial portfolios are driven by whichever party or parties are in power. This may be as a result of inter-party negotiations prior to the establishment of a coalition. For example, in 2000 in Wales a Minister of Culture was created as part of an agreement with the Liberal Democrats for them to enter government with Labour.

Much of the change is based on creating new or realigning existing departments to engender a more thematic approach to the delivery of policy. This meant crossing departmental boundaries to address policy in a holistic manner²⁷. In Scotland in particular devolution was seen an opportunity to deliver a new type of politics, distinct from that of Westminster. Nevertheless, the potential for ‘joined-up’ government should not be overstated: “The potential for coherence is often exaggerated since there are still clear administrative divisions between policy areas regardless of where we put them and who heads up the departments”²⁸.

Therefore in Scotland and Wales the structure of government will change depending on the priorities of the new administration. The consociational nature of government in Northern Ireland and the particular allocation of ministerial portfolios means that such change is much less likely. There is no bargaining or political horse-trading one witnesses prior to the formation of other coalition governments:

The only strategic influence that can be identified with the appointment of a new administration as in 2011 is the order of priority given by each party in selecting their order of preference for departments. Even this is somewhat predetermined with finance seen as the top portfolio, probably culture and leisure with the lowest status, health and social services seen as difficult and unpopular and justice needing cross-community approval. The only major unexpected choice in 2011 was Sinn Féin again selecting education as their own priority ahead of trade and enterprise²⁹.

From direct rule to devolution – what changed?

Scotland, Wales and Northern Ireland were all able to draw on the existing structures in place pre-devolution as a basis for the organisation of devolved government. In

²⁶ Eoin O'Malley and Muiris MacCarthaigh, 'Governing Ireland: From Cabinet Government to Delegated Governance, Institute of Public Administration 2012

²⁷ Neil McGarvey and Paul Cairney, 'Scottish Politics: an Introduction', Palgrave Macmillan 2008

²⁸ As above

²⁹ Derek Birrell, 'Comparing Devolved Governance', p.131, Palgrave Macmillan, 2012

Scotland five main departments increased to seven, “the Welsh Assembly Government was set up as a corporate entity and this was readily adapted to the Welsh Office structure and sub-divisions with extensions for a policy office and secretariat”³⁰. The Northern Ireland Office had six departments which became 11 after devolution. However, there was a notable departure from the traditional Westminster model taken by Scotland and Wales, but not Northern Ireland:

A significant difference between Scotland and Wales on the one hand, and Northern Ireland on the other, was the decision in Scotland and Wales not to adopt Whitehall style departments, self-standing with their own finance and personnel functions and dedicated ministers. The decision to avoid creating ‘ministries’ was taken so that the alignment of ministerial responsibilities was not coterminous with department functions. Welsh ministers were not paired with a department but expected to work across structures and avoid compartmentalisation. The disjunction between departmental organisation and ministerial portfolios was a deliberate attempt to prevent a close linkage between departments and ministers, and not just an incidental consequence of using the territorial office structure in Scotland and Wales.

The chosen configuration was anticipated to achieve joined up decisions, coherence and to counter departmentalism and to stop ministerial ‘silos’. In Northern Ireland however the Whitehall model of ministerial departments, which had existed with the old Stormont Parliament prior to 1971 continued after the Good Friday Agreement. The Agreement meant the sharing of ministers and departments between four parties and the acceptance of the likelihood of departments becoming totally identified with individual ministers³¹.

Scotland

The following table shows the relevant sections of the Scotland Act 1998 in relation to the appointment of Ministers.

Table 4: Legislative provisions re: appointment of ministers in Scotland

Scotland
<p>47 Ministers</p> <p>(1) The First Minister may, with the approval of Her Majesty, appoint Ministers from among the members of the Parliament.</p> <p>(2) The First Minister shall not seek Her Majesty’s approval for any appointment under this section without the agreement of the Parliament.</p> <p>(3) A Minister appointed under this section:</p> <p>(a) shall hold office at Her Majesty’s pleasure,</p> <p>(b) may be removed from office by the First Minister,</p>

³⁰ Derek Birrell, ‘Comparing Devolved Governance’, p.131, Palgrave Macmillan, 2012

³¹ As above

(c) may at any time resign and shall do so if the Parliament resolves that the Scottish Executive no longer enjoys the confidence of the Parliament,
(d) if he resigns, shall cease to hold office immediately, and
(e) shall cease to hold office if he ceases to be a member of the Parliament otherwise than by virtue of a dissolution.

Changes in Scotland post-2007

Perhaps the most significant changes in devolved government occurred when the SNP attained power in 2007:

The SNP administration identified five major Cabinet ministerial portfolios which reduced the number of Cabinet portfolios from 11 in the previous 2003-2007 Scottish Government. This was achieved without a major reorganisation of portfolios but with five Cabinet offices reduced in status to being headed by Deputy (non-Cabinet) ministers in areas such as communities, transport and tourism.

Alex Salmond set out the rationale for the reorganisation of Government shortly after the 2007 election in the following statement:

The team that I present to members today is designed to deliver smaller and more effective government. We have slimmed down the Government from nine departments to six, thereby delivering a welcome reduction in the cost of the ministerial team. Government will be strategically focused, with five Cabinet secretaries, supported by 10 ministers...Our aim is to break down the boundaries and barriers that exist in government, which can often hinder the most effective strategic outcomes and a focused approach. The realignment of the Cabinet is therefore matched with a restructuring of the senior civil service. Our Cabinet team will work alongside a new strategic board, so that the Government as a whole pulls in the same direction.

I will give two examples of how the new approach will work. The first is in a particular policy area and the second illustrates a cross-Government approach. Nicola Sturgeon will lead on health and well-being, a portfolio that will be expanded to include not only the health service and public health, but wider social policy, sport, deprivation and housing. That will allow a cross-cutting approach, which means that her responsibilities will include creating a healthier Scotland that is about fitness and treatment, good-quality homes and good-quality health care³².

Departments were replaced with directorates based on the five strategic objectives of the Government. Public sector activity was to be re-organised around the five policy outcomes of:

- Wealthier and fairer

³² <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=4724&mode=html>

- Healthier
- Safer and stronger
- Smarter
- Greener

This largely reflected the major priorities of the new government's programme but also was motivated by Alex Salmond's desire for a smaller, better focused Cabinet³³.

There were 37 directorates aligned to the strategic objectives that were themselves regarded as "flexible building blocks with several of the directorates relating to a number of objectives...thus the Housing and Regeneration Directorate, while mainly located within the 'healthier' grouping was also related to both 'wealthier and fairer' and 'greener' groupings."³⁴

The replacement of departments with directorates was an experiment in horizontal government which would be seen to have succeeded if civil servants could help to solve Scotland's long-term problems:

Our ambition is to establish a smaller, more efficient and more focused government to better meet the needs of the people of Scotland. We want to deliver the best possible value for taxpayers³⁵

In 2008, Sir John Elvidge, Permanent Secretary of the Scottish Government, gave evidence to the House of Commons Justice Committee during its enquiry on devolution. His answers provide an insight into the rationale behind the reorganisation of Government:

Julie Morgan: Are there any other ways in which the Civil Service has changed since 1999?

Sir John Elvidge: We have changed structurally, although I never think that structural change is the most important part of changes. We went through one phase of moulding our structure more closely around the portfolios of individual Cabinet ministers. That phase one would probably be placed in time from 2001 through to 2007. We have recently been through another phase of change where we have made structural changes to emphasise the need for people to work together across the organisation. We have moved away from having a structure of departments that mirrors the way in which Whitehall is organised to moving our more self-contained units of business one level down to our...directorates and redefining the roles of those whose role was previously as a head of department so that their individual roles run right across the organisation and they are each responsible for driving one of the strategic themes of the new government.

³³ Derek Birrell, 'Comparing Devolved Governance', p.131, Palgrave Macmillan, 2012

³⁴ Derek Birrell, 'Comparing Devolved Governance', p.133, Palgrave Macmillan, 2012

³⁵ Scottish Government News Release, 24 May 2007: <http://www.scotland.gov.uk/News/Releases/2007/05/24143609>

Julie Morgan: That is a change that has been brought in by the SNP Government?

Sir John Elvidge: It is a change which evolved naturally from our thinking about the organisation and which aligned very well with the SNP's own thinking about the way in which they wanted to conduct their government. We had a very early discussion about whether they would support a radical change in the organisation of that nature and they were happy to do that³⁶.

Table 5: Structure of Scottish Government 2010³⁷

Strategic Objective	Cabinet Secretary	Ministers	Directorates
	First Minister	Minister for Culture, External Affairs & the Constitution Minister for Parliamentary Business	<ul style="list-style-type: none"> •Strategy & Ministerial Support •Culture, External Affairs & Tourism •Constitution •Director of Communications •Director of Human Resources & Corporate Governance •Director of Finance •Director of Scottish Procurement
Smarter Scotland	Cabinet Secretary for Education & Lifelong Learning	Minister for Children & Early Years Minister for Skills & Lifelong Learning	<ul style="list-style-type: none"> •Children, Young People & Social Care •Learning •Lifelong learning •Chief Scientific Adviser •Education Analytical Services
Wealthier & Fairer Scotland	Cabinet Secretary for Finance & Sustainable Growth	Minister for Enterprise, Energy & Tourism Minister for Transport, Infrastructure & Climate Change	<ul style="list-style-type: none"> •Built Environment •Planning & Environmental Appeals Chief Reporter •Local Govt & Third Sector •Improving Public Services •Chief Scientific Adviser
Healthier Scotland	Deputy First Minister & Cabinet Secretary for Health & Wellbeing	Minister for Public Health & Sport Minister for Housing & Communities	<ul style="list-style-type: none"> •Chief Nursing Officer •Healthcare Policy & Strategy •eHealth •Health Finance •Health Workforce Director •Primary & Community Care •Equalities & Sport •Health Delivery •Chief Medical Officer
Safer & Stronger Scotland	Cabinet Secretary for Justice & Communities	Minister for Community Safety	<ul style="list-style-type: none"> •Housing & Regeneration •Justice Director •Safer Communities Director
Greener Scotland	Cabinet Secretary for Rural Affairs & the Environment	Minister for Environment	<ul style="list-style-type: none"> •Rural & Environment •Rural & Environment Research &

³⁶ <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmjust/529/529ii.pdf>

³⁷ <http://wales.gov.uk/docs/caecd/publications/120521orgchart.pdf>

			Analysis •Rural Payments & Inspections
	Lord Advocate The Rt Hon Elish Angiolini QC	Solicitor General for Scotland	•Corporate Services Deputy Chief Executive •Solicitor to the Scottish Government

Following the SNP's victory in 2011, it decided to increase the number of portfolios from six to nine. Finance was split into two offices while the new Cabinet portfolios of infrastructure and capital investment, Culture and External Affairs and Parliamentary Business and Government Strategy were created³⁸.

Wales

The following table outlines provisions contained within the Government of Wales Act 1998 relating to the appointment of Ministers to the Welsh Government.

Table 6: Section 48 of the Government of Wales Act 1998

Wales
<p>48 Welsh Ministers</p> <p>(1)The First Minister may, with the approval of Her Majesty, appoint Welsh Ministers from among the Assembly members.</p> <p>(2)A Welsh Minister appointed under this section holds office at Her Majesty's pleasure.</p> <p>(3)A Welsh Minister appointed under this section may be removed from office by the First Minister.</p> <p>(4)A Welsh Minister appointed under this section may at any time resign.</p> <p>(5)A Welsh Minister appointed under this section must resign if the Assembly resolves that the Welsh Ministers no longer enjoy the confidence of the Assembly.</p> <p>(6)A Welsh Minister appointed under this section who resigns ceases to hold office immediately.</p> <p>(7)A Welsh Minister appointed under this section ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution.</p> <p>51 Limit on number of Ministers</p> <p>(1)No more than twelve persons are to hold a relevant Welsh Ministerial office at any time.</p> <p>(2)A relevant Welsh Ministerial office means the office of Welsh Minister appointed under section 48 or the office of Deputy Welsh Minister.</p>

The Government of Wales Act 2006 extended the potential number of ministers and deputy ministers to a maximum of 12 plus the First Minister and Counsel General, giving a total of 14. In Scotland and Wales the Law Officers (Advocate General in Scotland and Counsel General in Wales) may attend executive meetings.

³⁸ P.58 Comparing Devolved Governance

In Wales the departments are grouped together into subject areas called Directorates. The seven Directorates are each headed by a Director General who leads cross-cutting programmes³⁹.

Following the 2011 National Assembly for Wales' election, First Minister Carwyn Jones outlined the changes to his new Cabinet. The following excerpts from his speech highlight the relative autonomy enjoyed by the Welsh First Minister in reorganising the administration to focus on the priorities of the incoming government:

I have decided to move agriculture and tourism as key business sectors to a refocused economic portfolio under Edwina Hart as Minister for Business, Enterprise, Technology and Science... John Griffiths's portfolio will combine the familiar aspects of environment and sustainable development, such as climate change mitigation and planning and countryside matters, with responsibility for the regulatory aspects of agriculture such as animal health and welfare, including measures to tackle bovine TB. Carl Sargeant continues in his previous role as Minister for Local Government and Communities, but also assumes responsibility for transport⁴⁰.

Furthermore, the new administration removed the Rural Affairs portfolio while a Minister of Finance and Minister for Business, Enterprise and Technology replaced the Minister for Business and Budget and Minister for the Economy and Transport.

Table 7: Structure of Welsh Government 2011⁴¹

Ministers/Departments	Directorate
Minister for Environment & Sustainable Development	Sustainable Futures
Minister for Housing, Regeneration & Heritage	
Minister for Local Government & Communities	Local Government & Communities
Minister for Business, Enterprise, Technology & Science	Business, Enterprise, Technology and Science
Deputy Minister for Agriculture, Food, Fisheries & European Programme	
Minister for Finance & Leader of the House	Strategic Planning, Finance and Performance
Minister for Education & Skills	Education and Skills
Deputy Minister for Skills	
Permanent Secretary	People, Places and Corporate Services
Minister for Health & Social Services	Health, Social Services and Children,
Deputy Minister for Children & Social Services	Chief Executive, NHS Wales

³⁹ <http://wales.gov.uk/about/civilservice/directorates/?lang=en>

⁴⁰ <http://www.assemblywales.org/bus-home/bus-chamber-fourth-assembly-rop/rop20110518qv.pdf?langoption=3&ttl=The%20Record%20%28PDF%2C%20463KB%29>

⁴¹ <http://wales.gov.uk/about/civilservice/directorates/?lang=en>

Northern Ireland

Strand One of the Belfast (Good Friday) Agreement provides the broad outline for the design of the Northern Ireland Executive, including the posts of First Minister and Deputy First Minister and the allocation of Ministerial posts according to the D'Hondt mechanism.

The following table contains section 17 of the Northern Ireland Act 1998, relating to ministerial offices.

Table 8: Section 17 of the Northern Ireland Act 1998

<p>Northern Ireland</p> <p>17 Ministerial offices</p> <p>(1) The First Minister and the deputy First Minister acting jointly may at any time, and shall where subsection (2) applies, determine:</p> <p>(a) the number of Ministerial offices to be held by Northern Ireland Ministers; and</p> <p>(b) the functions to be exercisable by the holder of each such office.</p> <p>(2) This subsection applies where provision is made by an Act of the Assembly for establishing a new Northern Ireland department or dissolving an existing one.</p> <p>(3) In making a determination under subsection (1), the First Minister and the deputy First Minister shall ensure that the functions exercisable by those in charge of the different Northern Ireland departments existing at the date of the determination are exercisable by the holders of different Ministerial offices.</p> <p>(4) The number of Ministerial offices shall not exceed 10 or such greater number as the Secretary of State may by order provide.</p> <p>(5) A determination under subsection (1) shall not have effect unless it is approved by a resolution of the Assembly passed with cross-community support.</p>

The current structure of the Executive and government departments dates from December 1999 when 11 departments were established by the Northern Ireland Act 1998 and the Departments (Northern Ireland) Order 1999, giving legal effect to the relevant sections of the Belfast (Good Friday) Agreement. Section 21(2) of the 1998 Act allowed an Act of the Assembly to establish new Northern Ireland Departments or dissolve existing ones. The Departments (Northern Ireland) Order 1999 states:

- 8.—(1) The First Minister and deputy First Minister acting jointly may by order—
- (a) assign to any department; or
- (b) transfer to any department from any other department, such functions as appear to them to be appropriate for such assignment or transfer⁴².

It has been argued that: “The number of Civil Service departments had nothing to do with administrative criteria deemed necessary to discharge public services but, rather, was the product of political compromise to ensure the main political parties secured

⁴² http://www.legislation.gov.uk/nisi/1999/283/pdfs/uksi_19990283_en.pdf

ministerial positions”⁴³. The following table outlines the old structure under the Northern Ireland Office compared with the post-devolution landscape.

Table 9: Northern Ireland government department pre-devolution (1982 onwards) and post-devolution (1999 onwards)

Pre-devolution (1982 onwards)	Post-devolution (1999 onwards)
Secretary of State: Northern Ireland Office Central Secretariat	Secretary of State: Northern Ireland Office Office of the First Minister and Deputy First Minister
Finance and Personnel	Finance and Personnel
Economic Development	Enterprise, Trade and Investment Regional Development Social Development
Agriculture	Agriculture and Rural Development
Health and Social Services	Health, Social Services and Public Safety
Environment	Environment
Education	Education Employment and Learning
	Culture, Arts and Leisure

In 2010 the Department of Justice was created, which largely involved a direct transfer of existing functions from the Northern Ireland Office. The Department of Justice Act (Northern Ireland) Act 2010 created the new department with the department subsequently inserted into the Departments (Northern Ireland) Order 1999⁴⁴.

In evidence to the A&ERC during Part 1 of its review of Parts 3 and 4 of the 1998 Act, Professor Rick Wilford of Queen’s University Belfast explored the possibility of departmental reorganisation in Northern Ireland:

There is no perfect model of Executive design, whether measured in terms of the number of (Departments) or the allocation of services/functions to them and, in the latter regard, idiosyncrasies in terms of their grouping are not uncommon.

...it is apparent that 'where we are' departmentally speaking was not (a) the result of a fully inclusive process & (b) that the allocation of functions was in large measure driven by officials. Pre-Agreement, parties had given little if any thought to Executive design – let alone the idea that such a design should be modelled in part on the principle of 'joined-up' government that was very much the then fashion. Moreover, the suggestion in the 1998 Agreement that there could be up to ten (Departments) became the irreducible minimum, a view that was driven by political rather than administrative criteria: i.e. size mattered⁴⁵.

⁴³ Colin Knox, *Devolution and the Governance of Northern Ireland*, Manchester University Press, 2010

⁴⁴ http://www.legislation.gov.uk/nia/2010/3/pdfs/nia_20100003_en.pdf

⁴⁵ <http://www.niassembly.gov.uk/Assembly-Business/Committees/Assembly-and-Executive-Review/Reports/Number-of-Members-of-the-Northern-Ireland-Legislative-Assembly/>

It should be noted that the Northern Ireland Ministerial Code contains a provision requiring a Minister to bring to the attention of the Executive Committee “Any matter which cuts across the responsibilities of two or more Ministers”⁴⁶. Therefore, the Northern Ireland model recognises to some extent the need for coordination between departments.

Junior Ministers

There are currently two Junior Ministers within OFMDFM. The basis of their appointment lies in section 19 of the Northern Ireland Act 1998, which states:

(1) The First Minister and the deputy First Minister acting jointly may at any time determine:

(a) that a number of members of the Assembly specified in the determination shall be appointed as junior Ministers in accordance with such procedures for their appointment as are so specified; and .

(b) that the functions exercisable by virtue of each junior Ministerial office shall be those specified in relation to that office in the determination. .

(2) Procedures specified in a determination under this section may apply such formulae or other rules as the First Minister and the deputy First Minister consider appropriate.

The determination to appoint ministers must be approved by a resolution of the Assembly. On 14 December 1999 the Assembly approved a determination from the then First Minister and Deputy First Minister to appoint two junior ministers to OFMDFM. At the time, the First Minister outlined the role of the junior ministers:

The functions of these junior Ministers are set out in the determination. They cover the discrete policy areas of the Office of the First Minister and Deputy First Minister but not the responsibility for the institutional elements relating to the Executive Committee, the North/South Ministerial Council, the British-Irish Council or the British-Irish Intergovernmental Conference, which matters fall to the First Minister and Deputy First Minister as of right⁴⁷.

The actual determination lists the role of the two junior ministers as: “Assisting the First Minister and deputy First Minister in the exercise of their functions in relation to the Office of the First Minister and deputy First Minister”⁴⁸.

⁴⁶ http://www.northernireland.gov.uk/pc1952_ni_exec_min_code.pdf

⁴⁷ <http://archive.niassembly.gov.uk/record/reports/991214c.htm#3>

⁴⁸ Determination by the First Minister and the Deputy First Minister under Section 19 of the Northern Ireland Act 1998

The First Minister also noted that: “This does not preclude further appointments in the future, but the current ones would be to the Office of the First Minister and the Deputy First Minister”⁴⁹.

The 1999 determination was used as the basis for the appointment of the junior ministers in May 2011⁵⁰.

The statutory relationship between Committees and Departments in Northern Ireland

The current structural relationship between the Northern Ireland Assembly’s statutory (departmental) committees and Northern Ireland departments is relatively straightforward – there is one committee for each Executive department. As a result, any change to the number of departments will have an impact on the committee structure within the Assembly.

Section 29 of the Northern Ireland Act 1998 (as amended by the St. Andrew’s Agreement Act 2006) provides the statutory framework for the operation of these committees:

Standing orders shall make provision:

(a) for establishing committees of members of the Assembly (“statutory committees”).

(i) to advise and assist the First Minister and the deputy First Minister in the formulation of policy with respect to matters within their responsibilities as Ministers jointly in charge of the Office of the First Minister and deputy First Minister, and

(ii) to advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister;

(b) for enabling a committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one; and

(c) conferring on the committees the powers described in paragraph 9 of Strand One of the Belfast Agreement.

Paragraph 9 of Strand One of the Belfast (Good Friday) Agreement states that:

(Committees) will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:

- consider and advise on Departmental budgets and Annual plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports;
- consider and advise on matters brought to the Committee by its Minister⁵¹

⁴⁹ As above

⁵⁰ <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-11-12/16-May-2011/#a17>

⁵¹ The Belfast Agreement, 1998: <http://www.nio.gov.uk/agreement.pdf/>

Standing Order 48(2) of the Assembly confers on statutory committees the powers and responsibilities set out in the Agreement. Since its inception, the Assembly has maintained the one-to-one relationship between statutory committees and Northern Ireland departments. The number of statutory committees has, however, increased.

Initially the role of a statutory committee for the Office of the First Minister and Deputy First Minister was undertaken by a standing committee (the Committee of the Centre) as under the Northern Ireland Act 1998 no provision existed for a statutory committee for OFMDFM. The St. Andrew's Agreement Act 2006 however amended the 1998 Act and provided for such a statutory committee. On 12th June 2007, the Assembly approved a motion to change the name of the Committee of the Centre to Committee for the Office of the First Minister and Deputy First Minister⁵².

Following the devolution of policing and justice functions and the appointment of a Minister of Justice, the Committee for Justice was established on 12th April 2010.

Ministerial portfolios in Northern Ireland

Table 11: Current Departments and Ministers⁵³

Minister	Department
Peter Robinson Martin McGuinness Jonathan Bell (Junior Minister) Jennifer McCann (Junior Minister)	Office of the First Minister and deputy First Minister
Michelle O'Neill	Agriculture & Rural Development
Carál Ní Chuilín	Culture, Arts & Leisure
John O'Dowd	Education
Stephen Farry	Employment & Learning
Arlene Foster	Enterprise, Trade & Investment
Alex Attwood	Environment
Sammy Wilson	Finance & Personnel
Edwin Poots	Health, Social Services & Public Safety
David Ford	Justice
Danny Kennedy	Regional Development
Nelson McCausland	Social Development

Review of Northern Ireland Government structures

In January 2012 the Office of the First Minister and Deputy First Minister announced a way forward relating to future arrangements for the Department of Justice and associated matters. OFMDFM stated that it would:

⁵² Official Report 12 June 2007: <http://archive.niassembly.gov.uk/record/reports2007/070612.htm>

⁵³ <http://www.northernireland.gov.uk/index/work-of-the-executive/ministers-and-their-departments.htm>

- Seek views from key stakeholders and interested parties on how the functions exercised by the Department of Employment and Learning should be transferred to other departments in the most appropriate manner.
- Ask officials to make arrangements to prepare the necessary Assembly legislation to abolish the Department of Employment and Learning and transfer its functions.

Further to this announcement, on 18 July 2012 the First Minister and deputy First Minister released the following statement:

Ministers have again indicated their desire and willingness to complete the 2012 review of Government structures in a timely manner. Processes are already in place to engage all of the Executive parties.

Constructive engagement has taken place with party leaders relating to the number of government departments, including proposals to reduce their number. The First Minister and the deputy First Minister are content to await the outcome of this process before taking decisions on the future of DEL⁵⁴.

6 International examples

Differences in the machinery of government arrangements can be found in jurisdictions beyond the UK and Ireland. That said, however, the creation of government departments based upon an allocation of functions between departments appears to be the dominant organisational principle. Political responsibility for these departments may lie with one minister or departments may be the responsibility of multiple government ministers.

The Basque Government and the Catalan Government provide examples of machinery of government arrangements in which individual departments are the political responsibility of a single minister.

⁵⁴ <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-ofmdfm/news-ofmdfm-180712-statement-by-the.htm>

Table 11: Departmental structure of the Basque and Catalan Governments

Basque Government ⁵⁵	Catalan Government ⁵⁶
President	President
Home Office	Governance and Institutional Relations
Justice and Public Administration	Home Office
Economy and Treasury	Justice
Education, Universities and Research	Economy and knowledge
Housing, Public Works and Transport	Education
Industry, Innovation, Commerce and Tourism	Social Welfare and Family
Employment and Social Affairs	Health
Health and Consumer Affairs	Agriculture, Livestock, Fisheries, Food and Natural Environment
Environment, Land Use Planning, Agriculture and Fisheries	Environment
Culture	Planning and Sustainability

The current Government of Flanders⁵⁷ provides an example of arrangements in which ministers' political responsibilities span functions within a number of departments. As the Flemish government is a coalition, this means that the political responsibility for the functions within one department may lie not only with more than one minister but with ministers from different political parties (e.g. Culture youth sport and media, which is one of the 13 'homogenous policy domains', is the responsibility of four ministers belonging to three different parties). The current Flemish regions machinery of government arrangements are the result of an administrative reform program dating back over to decade and, it is perhaps worth noting, include well developed advisory and consultative mechanisms to support ministers meet their responsibilities for policy making with the specific domains for which they are responsible.

⁵⁵ Eusko Jurlartitza/Gobierno Vasco website (Aug 2012)

http://www.ejgv.euskadi.net/r53-2291/es/contenidos/informacion/equipo_gobierno/es_9456/legislatura_9.shtml

⁵⁶ Generalitat de Catalunya website (Aug 2012)

<http://www10.gencat.cat/sac/AppJava/info.jsp?tipus=departaments>

⁵⁷ Vlaamse overheid website (Aug 2012)

<http://www.flanders.be/en/authorities>

Table 12: Flemish Region Government and Departmental Structure

Ministerial Portfolios	Department/Policy Domain
Minister-President of the Flemish Government Minister for the Economy, Foreign Policy, Agriculture and Rural Policy	Services of Minister/President for General Government Policy Administrative Affairs
Vice Minister-President of the Flemish Government Minister for Innovation, Public Investment, the Media and Poverty Reduction	Finance and Budget Flemish Foreign Affairs
Vice-Minister-President of the Flemish Government Minister for Administrative Affairs, Local Government, Civic Integration, Tourism and the Flemish Periphery of Brussels	Economy, Science and Innovation Education and Training
Minister for Welfare, Public Health and the Family	Welfare, Public Health and Training
Minister for Mobility and Public Works	Culture, Youth, Sport and Media
Minister for Energy, Housing, Urban Policy and the Social Economy	Work and Social Economy
Minister for Finance, the Budget, Employment, Town and Country Planning and Sport	Agriculture and Fisheries Mobility and Public Works
Minister for the Environment, Nature and Culture	Environment, Nature and Energy
Minister for Education, Youth, Equal Opportunities and Brussels Affairs	Town and Country Planning, Housing Policy and Immovable Heritage

One of the most recent and comprehensive studies of machinery of government arrangements examined those currently in place across the Commonwealth Government and each state and territory government in Australia. The report concluded that:

Each Australian government presents a unique set of machinery of government arrangements. While a number of features are relatively consistent across all governments, there are also a number of distinguishing features which are relevant to only one or a small number of jurisdictions.

Differences in approaches to machinery of government can largely be attributed to the five key drivers for machinery of government changes identified in this document. Each government confronts a different set of priority issues, encounters different coordination challenges, faces a different set of political objectives, has different efficiency motivations, and/or experiences different instances of departmental underperformance. The combination of these factors leads to the significant degree of variation between governments explored in this document.

Despite the diversity in approaches to machinery of government, a number of broad trends can be identified. In general, most jurisdictions have moved towards a smaller number of larger departments often answerable to multiple government ministers, though the recently announced machinery of government changes in Queensland run contrary to this trend. There is also an identifiable core group of government functions or policy areas which are present within each jurisdiction, such as health, education, legal affairs and financial management, though nomenclature of departments differs between jurisdictions.⁵⁸

The conclusion to the report also highlighted the challenges which are associated with significant machinery of government change and warned that, whilst on the one hand, well implemented change represents an opportunity to improve, poorly executed change can cause significant disruption and thwart the original objectives of the change.

7 Conclusion

The fundamental structure of the UK Government, which has remained largely unchanged since the recommendations of the Haldane Committee in 1918, can be characterised as one consisting of departments based around functions of government and clear political accountability for each department to a single minister. This Westminster system has clearly influenced the shape of other administrations in the UK, Ireland and elsewhere. The system, however, has been to be open to criticism with some arguing that whilst ‘...this type of departmental structure has advantages as it allows for specialisation, increased efficiency, easier budgeting and clear lines of accountability to help formulate and deliver policy... it can also encourage departmentalism where policy makers may think sectorally at the expense of cross-cutting objectives, targets and best practice, making complex issues difficult to tackle...’⁵⁹

Devolution in the UK, however, brought with it the opportunity for the Scottish and Welsh administrations to develop new machinery of government arrangements. While it is important not to overstate the extent of innovation, the current Scottish arrangements in particular represent a move from strictly functional departmental boundaries in an attempt to address policy in a holistic manner. The political accountability arrangements also differ the traditional Westminster arrangements. The potential for development of innovative machinery of government arrangements in Northern Ireland, however, would appear to be constrained by the particular legislative provisions contained within the Northern Ireland Act 1998.

⁵⁸ KPMG (2012) Machinery of government: current arrangements of Australian Governments

<http://www.kpmg.com/au/en/issuesandinsights/articlespublications/pages/machinery-of-government.aspx>

⁵⁹ Duncan Russell and Andrew Jordan, ‘Joining-up or Departmentalism? Coordinating Policy for Sustainable Development in the United Kingdom’, Centre for Social and Economic Research, School of Environmental Sciences, University of East Anglia

The variety of arrangements suggests that there is no definitive right or wrong way to structure government departments and establish political accountability to ministers. These arrangements are contingent on a number of factors and subject to change over time with incoming administrations creating, renaming, amalgamating departments and ministerial responsibilities for a range of reasons.

One of the reasons for machinery of government change may be to address the problem of departmentalism cited above. The creation of super ministries which incorporate a wide range of interrelated responsibilities that would normally be distributed across a number of departments may be the result of such change.⁶⁰ Other approaches to addressing departmentalism, such the use of use of cabinet and cabinet committees to manage cross-cutting objectives, can also be employed as an alternative to or in conjunction with super ministries.

⁶⁰ As above