

PRIVILEGES AND PROCEDURES COMMITTEE

(16th Meeting)

18th October 2002PART A

(Business conducted by telephone)

All members were present.

In attendance -

M.P. Haden, Committee Clerk.

Note: The Minutes of this meeting comprise Part A only.

Machinery of
Government:
Election and
removal of
Ministers and
votes of no
confidence in
Ministers
(P.149/2002) -
comment.
1240/22/1(25)

Ex.Off.

A1. The Committee, with reference to its Acts No. A1 of 2nd July 2002 and A9(i) of 30th July 2002, considered a paper, prepared by the Committee Clerk, in connexion with the report and proposition lodged by Senator S. Syvret on 3rd September 2002: Machinery of Government: Election and removal of Ministers and votes of no confidence in Ministers (P.149/2002).

The Committee agreed the following comment -

The States has agreed that the Chief Minister should be able to nominate a team of ministers to form the Council of Ministers. The Chief Minister is empowered to select a team which he/she believes will work together towards an agreed set of policies and objectives. This selection will be subject to the approval of the States.

The Privileges and Procedures Committee believes that the process of approval of the Chief Minister's selection might be overly protracted in the event of the States rejecting the original panel put forward by the Chief Minister. As the panel will be presented to the States en bloc, the Chief Minister would not necessarily know the reason behind the rejection of one or more of his nominees. The process may, in theory, require a number of ballots before a clear result is agreed. There are two possible alternatives to avoid this situation -

- (a) *Members vote on each individual member proposed for the Council, but in a secret ballot, the results of which remain confidential except to the Chief Minister. The Chief Minister will then be able to revise his selection in the knowledge that certain of his nominees appeared not to be acceptable to the States; or*
- (b) *After two unsuccessful nominations the Chief Minister's proposed ministers are put forward for individual approval by the States. Individual nominations continue until the required number of approved ministers is obtained. (This system was originally used by the Tynwald in the Isle of Man when the ministerial system was first introduced in 1986. It was discontinued in 1991 but has been recommended for re-adoption by a recent Select Committee Report on Ministerial Government.)*

The Privileges and Procedures Committee has examined the position regarding

the dismissal of ministers in other jurisdictions with a ministerial system of government. The procedure proposed by the Policy and Resources Committee, whereby the Chief Minister has the power to dismiss an individual minister, is consistent with practice in Westminster, Scotland and the Isle of Man. Individual ministers in these jurisdictions are not subject individual votes of no confidence by the parliament. The Committee agrees that the option of a vote of no confidence in the entire Council of Ministers is a drastic option and unlikely to be used to express dissatisfaction in the performance of any particular minister or department. However, it notes that individual ministers will be held to account under a strong scrutiny system, which will be established alongside the ministerial form of government. In this way it will be possible to bring pressure to bear on individual ministries which might be considered to be failing.

An alternative proposal put forward by a minority of the Committee is that the States should be asked to confirm the proposed dismissal of a Minister. Otherwise, there are very weak checks and balances in the system.

The Greffier of the States was directed to take the necessary action to present the above comment to the States.