

STATES OF JERSEY



RE-INSTATEMENT OF SENATORS (P.2/2025): FOURTH AMENDMENT

Lodged au Greffe on 10th March 2025
by Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter
Earliest date for debate: 18th March 2025

STATES GREFFE

RE-INSTATEMENT OF SENATORS (P.2/2025): FOURTH AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

After the words “constituencies and substituting”, substitute the word “nine”, with the word “seven”.

After the words “in their place”, insert the words, “reducing the number of Members within the States Assembly to 47”.

2 PAGE 2, PARAGRAPH (a) –

After paragraph (a) insert a new paragraph (b) as follows and re-designate the subsequent paragraphs accordingly –

“(b) that all funding saved on salaries for the vacated Deputy seats should be distributed equally between the Senatorial seats;

3 PAGE 2, PARAGRAPH (a) –

After paragraph (a) insert a new paragraph (b) as follows and re-designate the subsequent paragraphs accordingly –

“(b) that the Senators should form the entire Council of Ministers;”

DEPUTY K.L. MOORE OF ST. MARY, ST. OUVEN AND ST. PETER

Note: After this amendment, the proposition would read as follows –

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

(a) that the office of Senator, elected on an Island-wide basis, should sit alongside the offices of Connétable and Deputy in the States Assembly, and should be re-instated by removing one Deputy from each of the nine electoral constituencies and substituting **seven Senators in their place, reducing the number of Members within the States Assembly to 47;**

(b) that all funding saved on salaries for the vacated Deputy seats should be distributed equally between the Senatorial seats;

(c) that the Senators should form the entire Council of Ministers; and

(d) to request the Privileges and Procedures Committee to bring forward the necessary legislative amendments to give effect to this proposition in time for the General Election in 2026.

REPORT

The proposition lodged by Deputy Millar has provided an opportunity not only to listen to the views of the public, but also to consider how we can improve the composition and effectiveness of the States Assembly.

In 2000 when the Clothier Review was published, I had a clear observation point as a journalist and followed the subsequent proposals that amended it closely. Since 2011 I have served the island as a parish Deputy, a Senator and now representing a multi parish constituency, as a district Deputy. During that time, I have held the roles of Scrutiny Chair, Minister, President of Scrutiny Liaison and Chief Minister. Therefore, this amendment is lodged with a quarter of a century of practical experience behind it and a desire to propose constructive change in order to improve the effectiveness of the members of the Assembly and their relationship with the electorate.

The clear message from the small percentage of the electorate that has engaged with this topic has been that people appreciated the senatorial vote because they were able to influence a greater proportion of the Assembly. Under the previous system, in some voting districts - such as St Helier 3&4 - each voter could cast up to eleven votes at a time. And with a further 6 senatorial votes as those roles revolved around a longer election cycle, voters felt they could influence up to 17 members of the Assembly.

One of the key arguments against keeping the Senators has been that whilst the title and mandate was superior, the vote of a Senator in the Assembly held no greater weight than that of a Deputy elected with less than a thousand votes, or a Constable elected unopposed.

This amendment proposes to provide a clear purpose for those elected to the role of Senator and a purpose that requires collaborative work.

The Swiss model of the Federal Council provides a tried and tested model of successful collaborative work that has been in operation since November 1848. Further information about the Swiss Federal Council are provided within Appendix 1.

If this amendment is supported by the Assembly, those who are elected as Senators by the public to the Council of ministers would hold the credibility of a greater mandate.

The electorate, voting with the knowledge that each vote for a senatorial candidate would be for this purpose, would focus the mind. Asking the electorate to consider the leadership potential and political direction of each candidate they vote for. This should dissuade those who cast a vote for a candidate who might “shake things up a bit.”. Instead, it requires every vote used to be for a person that the voter wants to hold responsibility for leading and directing the island.

Those elected to the Council of Ministers, like in the Federal Council, would most likely represent a diversity of political views and it would be their role to persuade their colleagues to accept and adopt their proposals or to achieve a point of consensus. Perhaps they could set out a clear Programme for Government at the beginning of their term as the coalition does in the Republic of Ireland, for example.

This model would work whether the Assembly chooses to reintroduce Senators by removing 9 Deputies from the Assembly or through removing the Constables from the Assembly. Either option will maintain the carefully balanced voting fairness that was achieved through the most recent change in the composition of the Assembly through the creation of the voting districts.

The proposer of this amendment considers that a Council of minister of 7 Senators would be an adequate number to take responsibility for the various areas of government work. Looking again to Switzerland, where 7 members of the Federal Council govern a nation of just under 9 million people and a budget that was in 2024 CHF 85.7bn (£75.6bn) with a 2.6bn (£2.295bn) deficit.

This amendment also proposes to reduce the overall number of members of the Assembly. Although this will be a matter for PPC to consider and bring back to the Assembly, the money saved through the loss of those seats could be used to boost the salaries of the newly elected Senators. This would reflect the additional responsibilities that would come with their role in the Council of ministers. The remaining Deputies and Constables would be able to serve as either Assistant ministers, or as members of Scrutiny.

For the reasons laid out above the aspiration would be to encourage a greater engagement in the election and an increase in turnout at the next election.

It must also be stated that personally, I do not expect to stand for election in 2026 and therefore I do not consider that I have an interest in proposing the additional salary. I simply bring this amendment in light of my experience having served in a wide variety of roles during my time as a States Member.

Financial and staffing implications

There are no additional financial implications. As mentioned, the money saved through reducing the number of members in the Assembly could be used to increase the pay of Senators to reflect the additional responsibilities they would hold.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

Appendix 1

President of the Swiss Confederation –

The Federal Assembly, comprising the 200 elected members of the National Council (the 'lower chamber', representing the people) and the 46 elected members of the Council of States (the 'upper chamber', representing the cantons), elects the President of the Swiss Confederation from among the seven members of the Federal Council. This election takes place in December each year during the winter parliamentary session

<https://houseofswitzerland.org/swissstories/society/everything-you-need-know-about-swiss-presidency>

2. How is the election conducted?

In the first instance, the president of the Federal Assembly, who is also president of the National Council, communicates the name of the federal councillor nominated by the candidate's parliamentary group for the post of President. The elected officials then write the name of their chosen candidate on a ballot. After the votes have been counted, the president of the Federal Assembly announces the result.

6. So does that mean the President is the head of the Federal Council?

No. Despite presiding over the meetings of the Federal Council and having the casting vote in the event of a split vote, the President remains the equal of the other six federal councillors. The President acts as first among equals: the President leads the government without having any specific additional powers.

It is also not true to say that the President of the Swiss Confederation is the head of state, as this is the responsibility of the entire Federal Council.

7. So what is the role of the President?

The President's primary function is to conduct the meetings of the Federal Council and to act as arbiter if necessary. The President also has additional representative tasks, both in Switzerland and abroad. In parallel, the President remains the head of the federal department for which they are responsible.

In an emergency, the President is empowered to take provisional measures, i.e. temporary decisions to resolve a specific situation. If the Federal Council cannot be convened for any reason, the President is also entitled to take decisions on its behalf

<https://www.eda.admin.ch/aboutswitzerland/en/home/politik-geschichte/politisches-system/bundesrat.html>

Governing by consensus

In keeping with the consociational model of democracy adopted by Switzerland, all members of the Federal Council pledge to govern in a spirit of cooperation. As a collegial body, the Federal Council must remain unanimous when presenting a cabinet decision to the public, even if it is contrary to their personal views or to the official line taken by their party.

Leading the Federal Administration

Each federal councillor is in charge of a federal department. The Federal Council itself determines the allocation of these roles, with the principle of seniority applying here too.