

STATES OF JERSEY



MACHINERY OF GOVERNMENT REFORM: ELECTION OF SENATORS (P.195/2004) – COMMENTS

**Presented to the States on 23rd November 2004
by the Policy and Resources Committee**

STATES GREFFE

COMMENTS

The Policy and Resources Committee does not believe that the States should debate this proposition because it will cut across the Assembly's decision of 16th November 2004 to approve the draft States of Jersey Law, as amended (P.124/2004).

Members will recall that as part of this decision the States approved Article 19 of the draft Law, in which it is stated that only the Chief Minister shall nominate elected members for appointment as ministers. Under Deputy Ferguson's proposals any elected member will be able to seek nomination for the position of Senator, and provided that he or she has the support of 6 members, then his or her name will go forward as one of the candidates for public election. It seems highly likely that one or more of the candidates being proposed for election will not be among those that the Chief Minister would have wanted to nominate as a minister. This would make it extremely difficult for the Council of Ministers to work together as a team, with consequent effects on government.

The Committee also believes that the proposition could lead to difficulties in relation to the number of candidates for ministerial positions. It would be hard to say at this stage how many candidates would be nominated for election as Senator, but theoretically it is possible that all or nearly all members of the States would decide to seek election to the position of Senator. This could mean 40 or more candidates, and this would make a public election very difficult to organise. Alternatively, a situation might arise in which only half a dozen or so members decide to seek election as Senators, and there would then be an insufficient number of Senators for the Assembly to fill the 10 vacancies for ministerial office.

The Committee believes that there is a further difficulty in this proposition in that it would disbar from the Council of Ministers any member who had not been elected as a Senator. In the Committee's opinion it would be undesirable to restrict the membership of the Council of Ministers in this way, as the Assembly may well feel in the future that there are Connétables and Deputies who would also be suitable for ministerial office.

In conclusion, therefore, the Committee believes that there are serious difficulties associated with the proposition and it recommends that it be rejected.