

**MACHINERY OF GOVERNMENT: METHOD OF APPOINTMENT OF CHIEF MINISTER AND  
COUNCIL OF MINISTERS**

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**Lodged au Greffe on 15th January 2002  
by Deputy R.C. Duhamel of St. Saviour**

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**STATES OF JERSEY**

**STATES GREFFE**

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## PROPOSITION

### **THE STATES are asked to decide whether they are of opinion -**

to refer to their Act dated 28th September 2001 in which they approved proposed reforms to the machinery of government and -

- (a) to agree that the Chief Minister of Jersey should be appointed by the States from among those members of the States elected on an Island-wide basis and that the Chief Minister, once appointed, should nominate for approval by the States a team of ministers to form the Council of Ministers chosen from among that same group of members, with the executive function of government vested in the Chief Minister and the Council of Ministers; and
- (b) to rescind sub-paragraph (ii) of paragraph (a) of their Act dated 28th September 2001.

DEPUTY R.C. DUHAMEL OF ST. SAVIOUR

Note: In accordance with Standing Order 18C the following members signed the proposition -

1. Senator S. Syvret
2. Deputy of St. Martin
3. Deputy R.G. Le Hérissier of St. Saviour

The reason for moving this proposition is set out in detail in the accompanying report

# REPORT

## Introduction

I had originally wished to make various amendments to P.179/2001, but for procedural reasons I have been unable to bring amendments directly and have been strongly advised to seek a rescindment motion to part of P.122/2001 first, and thereafter to table consequential amendments to P.179/2001.

Jersey has an Island-wide mandate which has the support of the majority of the electorate. In my opinion, the Policy and Resources Committee have not made the case for removing this aspect of local democracy in any of their proposal documents hitherto produced. My proposition seeks to introduce an electoral system which enhances the democratic rights of the voting public as well as retaining the popular Island-wide mandate.

## Alternative electoral systems

- 1. The existing system of Jersey elections.** Each elector votes for at least 14 States members - 12 Senators voted for Island-wide, one Connétable and between one and four Deputies. Each candidate stands on their own merit and there is no requirement to produce a policy statement. Once elected, power is shared among all 53 members and policy is determined by discussion through a range of committees and States debates. Whilst it gains few marks for efficiency, the system is open; there is no policy imposed on the government without full debate and the electors have access to a large number of members to whom they can express their views or misgivings on a given issue.
- 2. Constituency-based party politics.** This is the system currently used in the United Kingdom and elsewhere. Political parties put forward printed manifestos containing clear strategic policy directions and commitments. Major parties present a candidate for each constituency and voters make their decision guided by the printed party manifestos. Following the election, the leader of the party with the most elected members becomes the Chief Minister (Prime Minister in the case of the United Kingdom) and that person then chooses elected members of his/her party to take up cabinet and ministerial positions. The strategic policies of each party are decided upon by various means, including party conferences and committees made up of elected representatives of party members (not necessarily members of parliament). Each elector only votes for one member, but the elector has a very clear view of the policies that will be pursued if their chosen party is successful. Electors can choose to become members of a party and thus become part of the policy-making mechanism of the party and also influence the choice of party leader.
- 3. Policy and Resources Committee proposals.** The Policy and Resources Committee propose that an elector will vote for members within a single district. This could be one member in rural areas or up to four in the largest district of St. Helier. The Policy and Resources Committee have rejected the Clothier Report recommendation No. 6 and have stated that candidates will not be required to produce policy statements (see P.179/2001 - paragraph 3.10). Electors will thus have, through the ballot box, an extremely limited influence on the strategic policy direction to be taken by the States Assembly. The Policy and Resources Committee make no suggestion as to how voters could be offered a meaningful choice of candidate in each district. It is hard to see how this could be achieved without resorting to some form of party system, and the proposals made by the implementation plan in respect of changes to Standing Orders make no provision for any form of party system. Having elected individual members, the States Assembly will vote amongst themselves to choose a chief minister, who in turn will pick a team of ministers. Candidates for chief minister will be required to submit a written statement which “sets out their view of the general direction in which the States’ strategic policies will be directed” (implementation plan page 93) prior to the ballot. Following its appointment, the council of ministers will propose and debate within four months a strategic plan for the Island (Implementation Plan page 94). Under the Policy and Resources Committee proposals there is no democratic link between the ballot box and government strategic direction; the electorate will have no choice on election day of strategic direction, no say in the choice of chief minister (who will take “special responsibility for the formulation ... of the Island’s strategic plan” - implementation plan page 94) and limited influence in strategic policy formulation after the election.
- 4. Retention of an Island-wide mandate.** The proposition, in combination with amendments to P.179/2001, provides an electoral mechanism whereby voters can express their views on strategic policy without having to take on board all the disadvantages of a full-blown party political system. Voters would vote for a district representative(s) but they would also have the opportunity of voting on an Island-wide basis (on the same day) for members from whom would be chosen the council of ministers. The number of Island-wide mandated members would be greater than the number of ministerial posts (e.g. for a council of eight ministers, 12 or so Island-wide members) to provide an element of flexibility within the Council’s membership. These candidates would be **required** to produce strategic policy statements outlining their views on main strategic issues. *The electorate would then be able to vote for*

*members who supported the strategic policy options that they favoured.*

### **Amendments to P.179/2001**

If this proposition is successful, I will lodge amendments to P.179/2001 along the following lines -

*to agree that the Island-wide mandate in future be used to elect a body of members from whom ministers will be chosen (by either redefining or replacing the role of Senator);*

*to agree that the electoral commission will make up the balance of the seats removed as a result of the other changes.*

The details contained within the report accompanying P.179/2001 will also require examination. For example, it would be possible to require ministerial candidates to have previously served a minimum term as a deputy. On election day, candidates would be able to stand for ministerial and/or deputy positions. A candidate successful in both the ministerial and deputy poll would take up a seat as a ministerial member. These elections could be combined with elections for Connétables, depending on the outcome of P.179/2001. Connétables would be eligible to stand for Island-wide election should they so wish.

### **Financial and manpower implications**

This proposition has no implications for the financial or manpower resources of the States.

### **Conclusion**

The Policy and Resources Committee are proposing to remove the Island-wide mandate in P.179/2001. They make no argument against the process, merely noting that Senators have not played any particular role in the Jersey government in recent years (P.179/2001 report -section 4). This shortsighted view ignores the wishes of the public, who would like to retain an Island-wide mandate (MORI Poll - "Fewer than one in five (19 per cent) consider that all members should be elected on a local basis" page 14), and will result in the tremendous loss of voting power for the individual elector (down from at least 14 chosen members to a minimum of one).

The Policy and Resources Committee are seeking to reduce the democratic involvement of the electorate in strategic policy direction. Whereas in most democratic countries, electors choose government representatives on the basis of strategic policy documents published by political parties **before** the election, the Policy and Resources Committee are suggesting that such documents will be produced well after the election.

This Proposition, combined with amendments to P.179/2001, will retain an Island-wide mandate, with electors choosing a minimum of 13 members directly and being able to make a meaningful choice as to their preferred strategic policy direction.