

# STATES OF JERSEY



## OPEN BALLOT FOR MINISTERS AND CHAIRMEN

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Lodged au Greffe on 5th December 2011  
by Deputy T.M. Pitman of St. Helier

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STATES GREFFE

## **PROPOSITION**

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

- (a) to agree that the election of the following should be undertaken by way of an open ballot and no longer by a secret ballot for States Members –
  - (i) Ministers,
  - (ii) Scrutiny Panel Chairmen,
  - (iii) Chairman of the Privileges and Procedures Committee,
  - (iv) Chairman of the Public Accounts Committee;
- (b) to charge the Privileges and Procedures Committee to bring forward for approval the necessary legislative amendments to give effect to the above proposals;
- (c) to agree that the election of the Chairman of the Jersey Overseas Aid Commission should be undertaken by way of an open ballot and to charge the Chairman of the Commission to bring forward the necessary amendment to the constitution of the Jersey Overseas Aid Commission accordingly.

DEPUTY T.M. PITMAN OF ST. HELIER

## REPORT

*“The best weapon of a dictatorship is secrecy; the best weapon of a democracy is openness.” Edward Teller*

I am pleased to state that the report in support of this proposition is brief to the point where it really should trouble not a single member to read it prior to its debate. That this is so is entirely down to the maturity shown by a majority of the last Assembly in confirming its support on 3rd November 2011 for my proposition to implement a new ‘open ballot’ process to elect the next Chief Minister.

This ‘open ballot’ process duly took place, with the election of Senator I.J. Gorst as the Island’s third Chief Minister; thus ending the damaging and divisive secrecy that had been in place throughout the less than satisfactory first 2 terms of ministerial government.

I had brought the proposition because, as a democrat, I knew it was the right thing to do; and, for all my significant disappointment already with his promises of ‘inclusive’ government, I was nevertheless pleased to see that the new Chief Minister was one of those who echoed this feeling in giving the move his support. Of course, it must also be noted that it was equally disappointing – but very telling in the eyes of many – that Senator Gorst’s opponent for the role of Chief Minister, Senator P.M. Bailhache, had attempted during the election to make the case for continuing such divisive, anti-democratic practices.

That the move to an ‘open ballot’ had the support of the greater majority of the Island’s people is quite clear just from listening to, and reading comments in, the media. People were tired of the secrecy and of being treated with contempt by those holding power. Like me and thankfully the majority of those who voted in November, they knew it was the right way to go if we are to ever hope to engage an apathetic and disillusioned population to greater participation.

This is particularly so within a system where, unlike most democracies, the public are denied a direct vote of any kind for who will lead their government. This was a small but important step forward. Now it is time to take the next step. After all, as Deputy J.A. Martin of St. Helier so eloquently summed matters up: “we are adult men and women: we are not jelly babies!”; already having to accept as a part of the job that some colleagues will vote for our propositions, and some will likewise vote against. It should not be a problem.

As members may also remember, I further said at the time of lodging my original proposition back in July 2011, that I fully supported the move to openness in all majority votes for election to States Office to be taken by the Assembly. I started with Chief Minister simply because it was the most important and thus the most symbolic, to hopefully pave the way forward for even greater transparency.

As I commented then, I hoped and half-expected another Member to seek to amend my proposition to do just this. Perhaps due to the distraction of the forthcoming election, understandably this did not happen. However, though some – particularly the minority who opposed the move to greater openness – may still argue that this next step can be further delayed with a new Assembly only just elected; I make no apology for lodging this myself early in the Assembly’s life.

Far from the impending doom warned of by the move's opponents, we have seen no such thing. Indeed, judging from the significant number of members of the general public I have spoken to, the move has been viewed as long overdue and wholly positive. Who amongst us has not been told that people are tired of secrecy for no other apparent reason than secrecy itself? We have elected our new Chief Minister, and for the first time the public have been able to see whether those they voted into office subsequently kept their word. This can only be a good thing.

There is consequently, I suggest, no longer any reason whatsoever not to now extend our commitment to such openness within the election of the other key roles identified within the wording of the proposition. It is quite simply the right thing to do if our proclaimed commitment to political transparency is to be viewed by the electorate as more than just lip service.

Of course, I acknowledge that there may be Members who will argue that such a move to openness should also be applied to the vote subsequently taken by those elected as Chairmen of the Scrutiny Panels to decide who will be their Committee Chairman. I have no issue with such logic and would point out simply that I have excluded this as the debate and appointment does not involve the Assembly as a whole.

It may further be argued that the election for members of Scrutiny Panels should also be an open and transparent one. Again, I have no issue with this view either. I have not included such a proposal because, as things stand currently, Assistant Ministers are not yet elected by the Assembly, so I feel this would not be consistent. Should any Member feel differently, however, they are obviously free to seek to amend the proposition in conjunction with the necessary changes to legislation.

The final point that I would clarify is this. I have set out the proposition in such a way that, should any Members feel strongly that the somewhat slightly different position relating to the appointment of the Overseas Aid Commission Chairman demands that this should be considered separately, then this can be done. Personally, however, I feel the proposition can be voted on *en bloc*.

### **Financial and manpower implications**

There are no additional financial or manpower implications for the States arising from this proposition; other than those negligible ones relating to putting the Regulations in place.