

**MACHINERY OF GOVERNMENT: ELECTION AND REMOVAL OF MINISTERS AND VOTES OF  
CONFIDENCE IN MINISTERS**

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**Lodged au Greffe on 3rd September 2002  
by Senator S. Syvret**

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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 -

- (a) to refer to their Act dated 28th September 2001 in which they agreed proposed reforms to the machinery of government and to vary that Act as appropriate and agree that upon the introduction of a ministerial system of government -
  - (i) the States Assembly shall have the power to elect from amongst its members individual Ministers as alternatives to those initially proposed by the Chief Minister, with such power able to be exercised in respect of each individual Ministerial post;
  - (ii) no proposition seeking the removal of a minister shall be brought to the States for approval by the Chief Minister unless the minister concerned has been given the opportunity to speak on the matter of his or her proposed removal at a properly constituted meeting of the Council of Ministers;
  - (iii) the mechanism for a vote of no confidence in the Chief Minister or an individual Minister shall be that the proposition shall be signed by the member presenting it and at least three other members, and shall contain a statement of the reason for moving the proposition; and
- (b) to request the Privileges and Procedures Committee to bring forward for approval by the States detailed procedures to give effect to these proposals.

SENATOR S. SYVRET

## REPORT

### Paragraph (a)(i)

The Policy and Resources Committee has stated that once the Chief Minister has been elected by the Assembly he or she shall nominate en bloc their entire choice of Ministers, with the States simply being able to accept or reject en bloc the slate of members proposed by the Chief Minister. If this practice, favoured by the Policy and Resources Committee, comes into existence it will seriously weaken the powers of the Island's parliament.

It is suggested by the Policy and Resources Committee that there need be no concern about this removal of the power of the States to have a degree of direct control over who occupies executive positions, because the Assembly will have the power to reject the entire choice of Ministers proposed. This is clearly highly unlikely to be a practical check and balance, instead it is another excessive political 'nuclear weapon' of little real use. Having just elected a Chief Minister to form the executive wing of the Island's government, how likely is it that the States would immediately show such a lack of confidence in his or her entire choice of Ministers, given the likely public perception of such a blanket rejection. Thus the States may well - with reluctance and doubts - approve the entire slate notwithstanding serious misgivings about the ability or appropriateness of one or two of the nominees.

The Island's parliament must retain some meaningful and workable powers over the composition of its executive wing lest we emulate those jurisdictions where the legislature has become little more than an impotent talking shop unable to exercise real control on behalf of the public over the executive.

### Paragraph (a)(ii)

The purpose of this paragraph of the proposition is to provide an important public safeguard against the potential abuse of power within the Council of Ministers against minority opinions. It would not be in order for this proposition to ask the States to agree again that ministers could only be removed by the States as this has already been agreed by the States as part of the decision of 28th September 2001 (see paragraph 6.17 of the report accompanying P.122/2001, which was approved as part of the proposition, which stated that the States would have the power to both appoint and dismiss ministers on the recommendation of the Chief Minister). This paragraph therefore relates only to the procedures that must be followed when the Chief Minister wishes to seek States approval to remove a member of the Council. In addition it is worth noting that the Policy and Resources Committee has now, despite the States' decision, suggested in the Implementation Plan that the Council of Ministers should have the power to remove from office individual Ministers, and, if this is the case, there is a very real danger that this power will act as a dampening force on the free and frank expression of honestly held political views.

This is not to suggest that there may never be occasions when the Council of Ministers may have legitimate cause to seek the removal of one of their number. Simply that such power must be subject to some meaningful form of check and balance; in this case a States' debate.

Even under the wholly unsatisfactory suggestion of the Policy and Resources Committee, the States appoint, albeit en bloc, the Ministers. It is therefore both consistent and right that the States should be the body that, if necessary, removes.

### Paragraph (a)(iii)

Under the present system of government, the States Assembly has the ability to take votes of no confidence in individual Committees of the States. This is an important public safeguard which gives the Island's parliament the opportunity to test in public debate the merits or otherwise of individual Committees and their policies.

A tremendous advantage of this system is that in the event of a Committee failing in its performance, pursuing the wrong policies or having lost the trust of the public, it can be removed from office without causing the tremendous political instability, uncertainty and chaos in public administration that would occur if an entire government were to be brought down. The Committee would be swiftly replaced and in the meantime the rest of government business would continue to be stable.

Upon the introduction of the ministerial system of Government the Policy and Resources Committee has now stated that it does not want the power to bring votes of no confidence in individual Committees to be transformed into a power to bring such votes against individual Ministers. It should be pointed out that the States agreed as part of the decision of 28th September 2001 (see paragraph 6.15 of the report accompanying P.122/2001) that the States would retain the power to bring votes of no confidence in individual ministers and it would, for that reason, be out of order for this paragraph of the proposition to ask the States to agree that matter again. This paragraph therefore relates to the mechanism to be used to implement the decision that the States have already taken on this issue. As mentioned above, despite the States' decision, the subsequently produced Implementation Plan did not reflect that view. Instead the Policy and Resources Committee has stated

that a vote of no confidence may only be brought against the entire Council of Ministers. Such a procedure is manifestly unworkable. Its effect would be to bring down the entire council of Ministers - the Island's 'Government' - over the inadequacy of an individual Minister. This political 'nuclear weapon' is wholly impractical as a means of making the executive accountable to the States.

**Financial and manpower implications**

There are no financial or manpower implications arising from this proposition.