

STATES OF JERSEY



WATERFRONT ENTERPRISE BOARD: APPOINTMENT OF CHAIRMAN – PUBLICATION OF TRANSCRIPT OF *IN CAMERA* DEBATE

Lodged au Greffe on 29th September 2006
by Deputy P.V.F. Le Claire of St. Helier

STATES GREFFE

PROPOSITION

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

- (a) to agree, in accordance with the provisions of Standing Order 160(4), that the transcript of the section of the debate relating to the appointment of a new Chairman of the Waterfront Enterprise Board (P.89/2006) that was conducted *in camera* on 19th July 2006 should be made public by the Greffier of the States 14 days after the adoption of this proposition, except that any member who so wishes shall be permitted to notify the Greffier during this 14 day period that he or she wishes the text of his or her speech (and any reference to it in the speeches of other members) not to be included in the published transcript and, in these circumstances, the transcript shall only record the fact that the member concerned spoke during the debate without including the text of the contribution made; and
- (b) to agree that debates relating to appointments made by the States should no longer be conducted *in camera* and to request the Privileges and Procedures Committee, in consultation with Ministers as necessary, to bring forward amendments to all relevant legislation to give effect to the proposal.

DEPUTY P.V.F. LE CLAIRE OF ST. HELIER

REPORT

In making this proposition I wish to give members the option of releasing to the public the contents of the recent *in camera* debate for the appointment of the Chairman of WEB, whilst protecting those speeches made by members who spoke in the belief that their contributions would remain *in camera*. This will address the issue that is currently circulating that the States are being too secretive in many of their ways. It would also allow those who have no problem in having their contributions being released in so doing. The anxiety currently felt by ex-Senator Horsfall may, I feel, also be in need of redress. As a long-time contributor to public service and to a man who has given more than most to this Island by way of public service and office, there is currently a sense of fair play which I believe needs to be addressed. This would afford him the opportunity, if aggrieved, to counter any allegations he feels he might need to.

This may not be normal practice, but the view expressed recently by the Jersey Evening Post that the Government needs to move with the times is correct and in my view long overdue. Surely if we are to debate public appointments then the contributions of speeches should be made without fear or favour. The current system enables harsh criticism, innuendo and perhaps even mistruths, to be circulated to the most highly influential group in our society. This cannot be condoned, especially if it has, is, or will be, used by members to influence negatively those in society who come to serve. If there are legitimate criticisms, concerns, or wrongdoings, there should be no problems for members who are protected by parliamentary privilege in speaking. To do otherwise is a practice which is, on reflection, something resembling diabolical in its nature. The ability for States Members who can, if they so wish, negatively influence the future of businesses and careers, even someone's good name, is in this sort of practice far beyond acceptable in my view. I have witnessed the *in camera* contributions over the years and I can think of many where I shuddered at what was being put across by those members who, in my view, were abusing, and continue to abuse, the process of protection and confidentiality afforded members as is required for responsible Government.

I allow for the opportunity for those who wish to maintain their contributions on this past occasion confidential, as it would be retrospective otherwise, and some members may have on reflection not wished for their contributions to be disclosed to the public. They would also have spoken with the knowledge that they were covered by confidentiality coupled with parliamentary privilege, and might not have voiced their concerns or opinions in other circumstances. I believe that if we are to raise the opinion of the States this would be a major step in the direction that is required. Why champion Free Speech? Why champion Freedom of Information? If one is not prepared to speak so those that they would criticise would have the opportunity of the right to reply. It is not to be forgotten that their rights are not covered by parliamentary privilege and nor should they be, but at least they would be afforded the opportunity to put across their version of what happened in the way that they choose.

Paragraph (b) would remove the provision for *in camera* debates where States Appointments to public office were held in normal circumstances.

There is always the opportunity, I might point out, that the States in its powers reserves the right on future debates with the voting majority to suspend any Standing Order given the correct circumstances, and would not therefore forever rule out the possibility that a portion of a debate where commercial confidentiality, for example, or legal opinion, could be retained if the States so wished.

Finance and manpower

The Greffier is already required to prepare a transcript of *in camera* proceedings even though these cannot be published. I understand that the transcript is already available and there is therefore only minimal cost in editing it as required and making it public as required for paragraph (a).

For paragraph (b) I cannot give an indication as to the costs but believe that they would also be minimal and would fall within the abilities of the Committee and the current approved resource budgets of law drafting and manpower of the States, as contingency time is always available for these in my understanding.