

# STATES OF JERSEY



## JERSEY GAMBLING COMMISSION: APPOINTMENT OF CHAIRMAN

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**Lodged au Greffe on 15th July 2016**  
**by the Minister for Economic Development, Tourism, Sport and Culture**

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**STATES GREFFE**

## **PROPOSITION**

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

in accordance with Article 2(2) and Schedule 1, paragraph 2(1) of the Gambling Commission (Jersey) Law 2010, to appoint Advocate Cyril Edward Whelan as Chairman of the Jersey Gambling Commission, with effect from 1st October 2016 until the expiration of his current term as a Commissioner on 1st November 2019.

**MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE**

## REPORT

### Nomination

Schedule 1, paragraph 2(1) of the [Gambling Commission \(Jersey\) Law 2010](#) (“the Law”) provides that the States must appoint the Chairman of the Commission from among Commissioners nominated by the Minister. The Minister duly nominates Advocate Cyril Edward Whelan for appointment as Chairman of the Jersey Gambling Commission (JGC).

Advocate Whelan is currently the Deputy Chairman of the JGC, having served in that capacity since 2nd November 2015. His term as Commissioner expires on 1st November 2019.

### The appointment process as Deputy Chairman

The post of Commissioner/Deputy Chairman was advertised during the summer of 2015, with 3 candidates applying for appointment. Candidates were assessed against the agreed criteria by a Panel comprising the Chief Executive of the Jersey Gambling Commission (JGC) (under delegated authority from the current JGC Chairman), representatives of the (then) Economic Development Department and the Human Resources Department of the States of Jersey, with a member of the Jersey Appointments Commission (JAC) in attendance.

Advocate Whelan was the unanimous choice of the Panel as Commissioner and Deputy Chairman, and the appointment was formally endorsed by the JAC.

### The nominee

Called to the English bar in 1979 and to the Jersey bar in 1982, Advocate Whelan spent 28 years as Senior Legal Adviser in the Law Officers’ Department in Jersey. He was appointed to the office of Crown Advocate immediately upon the creation of that office in 1987, and remains the Island’s longest-serving Crown Advocate. He has also served from time to time as Jersey’s Acting Attorney General.

As head of the Section within the Law Officers’ Department responsible for Serious Crime and International Mutual Legal Assistance, Advocate Whelan has advised on all aspects of public law, including serious crimes such as complex fraud and money laundering. He has also acted on behalf of successive Attorneys General in the implementation of major regulatory and mutual assistance legislation in Jersey, and has been involved in high-profile investigative and litigation work relating to asset recovery on behalf of governments worldwide.

Advocate Whelan retired from the Law Officers’ Department in 2007, and is currently a Senior Consultant at the local law firm, Baker and Partners. Among other positions of public service, he acts as one of Jersey’s relief Coroners.

Advocate Whelan is currently a Commissioner of the Jersey Financial Services Commission (*re-appointed 16th June 2015 under [P.47/2015](#) for a second 5-year term*), and was appointed by the Minister to be a Commissioner of the JGC on 2nd November 2015 for a 4-year term (*under MD-E-2015-0093, notified to the States in [R.117/2015](#)*). This joint appointment will provide certainty and assurance that the avoidance of money

laundering and the ongoing success in maintaining the highest standards of probity are at the heart of the governance of the JGC.

### **The role**

The Board, as a whole, is collectively responsible for the success of JGC. Under the leadership of the Chairman, the Board's role is to –

- (a) provide leadership of the Commission within a framework of prudent and effective controls which enable the licensing by the Commission of gambling organisations, and to enable the risk thereof to be assessed and managed;
- (b) set the Commission's strategic aims, ensure that the necessary financial and other resources are in place for JGC to meet its objectives, and review management performance, particularly that of executive employees, namely the Chief Executive Officer and the Deputy Chief Executive Officer; and
- (c) set the Commission's values and standards and ensure that its obligations to its clients, Government, stakeholders and others are understood and met.

### **The previous process**

The Assembly has not previously been called upon to debate the chairmanship of the JGC, as Schedule 2, paragraph 1(2) of the Law provided for the appointment of the Shadow Chairman to that position. The Assembly approved that transition on adopting the Law.

### **Debate to be held *in camera***

Schedule 1, paragraph 2(3) of the Law requires that any debate on the Chairmanship of the JGC be held *in camera*.

### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of this proposition.