

STATES OF JERSEY



WATERFRONT ENTERPRISE BOARD: APPOINTMENT OF CHAIRMAN – PUBLICATION OF TRANSCRIPT OF *IN CAMERA* DEBATE (P.119/2006) – COMMENTS

**Presented to the States on 30th October 2006
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

Paragraph (a)

The Privileges and Procedures Committee does not support this paragraph concerning the release of the transcript of the *in camera* debate held on 19th July 2006. When States members agreed on that day that part of the debate should be held *in camera* there was no suggestion (unlike, for example, in the Les Pas debate) that the transcript would be made public at a later date. PPC does not therefore consider that it is appropriate, at this stage, to suggest that the transcript should now be made public. Although the Committee considers that media reports about the nature of the comments made during the debate have been exaggerated, members spoke freely during the *in camera* debate on the understanding that their comments would remain private. In addition the Committee does not believe that Deputy Le Claire's suggestion that members could request that their speeches be deleted is workable as the transcript of a debate is only meaningful if all speeches are included. Often the contents of one member's speech may be influenced by what another member has said earlier in the debate.

Paragraph (b)

PPC considers that the whole issue of appointments made by the States needs to be reviewed and the Committee does not think the issue of whether or not appointments should be made *in camera* can be tackled in isolation as suggested by Deputy Le Claire. In considering how to respond to this paragraph, PPC received a full list of the appointments made by the States (attached at the Appendix) and was surprised at the number of such appointments.

PPC considers that there is little justification for the States to be involved in many of the appointments listed, particularly now that the Appointments Commission oversees many of the selection processes that lead up to a recommendation being made. The Committee therefore intends to refer the attached list to the Council of Ministers with a request that relevant Ministers consider the appointments for which they are responsible and recommend whether or not States involvement is appropriate or not. The Committee's initial view is that there are some positions, particularly those that report directly to the States, where States involvement in the appointment may be appropriate but there are very few such cases on the list. The Committee believes there could be alternative appointment mechanisms used with, for example, a period of notification to the States in advance of any appointment being finalised through a procedure that would mirror the process of 15 day notification to the States now used for the majority of property transactions.

PPC believes that once an overall review has taken place an evaluation should then be made as to whether any appointments that remain the responsibility of the States should be made *in camera* or not. The Committee does not believe that it would be sensible to take a blanket decision at this stage that would affect every appointment as suggested in this paragraph of the proposition, particularly as changes to legislation would be required in some cases (for example the Agent of the Impôts or Commissioners of the Jersey Financial Services Commission where the law requires an appointment to be made *in camera*). It would seem counterproductive to initiate such amendments in advance of a decision on whether or not the appointment in question should continue to be made by the States.

For the above reasons PPC hopes that Deputy Le Claire will be willing to withdraw paragraph (b) to enable a full review to take place of all appointments on the attached list.

APPOINTMENTS MADE BY THE STATES**Administrative Appeals Panel**

Appointed on the recommendation of the Privileges and Procedures Committee (Administrative Decisions (Review) (Jersey) Law 1982)

Agent of the Impôts

Appointed on the recommendation of the Minister for Home Affairs (Customs and Excise (Jersey) Law 1999)

Agricultural Loans and Guarantees Advisory Board

Appointed on the recommendation of the Minister for Economic Development (Agriculture (Loans) (Jersey) Regulations 1974): Board has been vacant for some time

Attendance Allowance Board

Appointed on the recommendation of the Minister for Social Security (Attendance Allowance (Jersey) Law 1973)

Commissioners of Appeal for Income Tax

Appointed on the recommendation of the Minister for Treasury and Resources (Income Tax (Jersey) Law 1961)

Comptroller and Auditor General

Appointed on the joint recommendation of the Chief Minister and the Chairman of the Public Accounts Committee (Public Finances (Jersey) Law 2005)

Comptroller of Income Tax

Appointed on the recommendation of the Minister for Treasury and Resources (Income Tax (Jersey) Law 1961)

Control of Public Entertainment Panel

Appointed on the recommendation of the Minister for Education, Sport and Culture (States decision of 13th October 1987)

Data Protection Commissioner

Appointed on the recommendation of the Minister for Treasury and Resources (Data Protection (Jersey) Law 2005)

Data Protection Tribunal

Appointed on the recommendation of the Minister for Treasury and Resources (Data Protection (Jersey) Law 2005)

Family Allowances Tribunal

Appointed on the recommendation of the Minister for Social Security (Family Allowances (Jersey) Law 1972)

Greffier of the States

Appointed by the Bailiff with the consent of the States (States of Jersey Law 2005)

Greville Bathe Fund – Trustees

Appointed on the recommendation of the Minister for Treasury and Resources (Terms of Fund)

Health and Safety Appeal Tribunal

Appointed on the recommendation of the Minister for Social Security (Health and Safety at Work (Jersey) Law 1989, and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989)

Health Services Disciplinary Tribunal

Appointed on the recommendation of the Minister for Social Security (Health Insurance (Jersey) Law 1967)

Jersey Appointments Commission

Appointed on the recommendation of the Chief Minister (Employment of States of Jersey Employees (Jersey) Law 2005)

Jersey Arts Trust – Chairman

Appointed on the recommendation of the Minister for Education, Sport and Culture (Trust Constitution) Vacant since April 2006

Jersey Child Care Trust – Chairman

Appointed on the recommendation of the Minister for Education, Sport and Culture (Trust Constitution)

Jersey Community Relations Trust

Appointed on the recommendation of the Chief Minister (Trust Constitution)

Jersey Competition Regulatory Authority

Appointed on the recommendation of the Minister for Economic Development (Competition Regulatory Authority (Jersey) Law 2001)

Jersey Consumer Council

Appointed on the recommendation of the Minister for Economic Development (States decision)

Jersey Council for Safety and Health at Work

Appointed on the recommendation of the Minister for Social Security (States decision)

Jersey Dental Scheme Board of Management

Appointed on the recommendation of the Minister for Social Security (Act of the States of 18th June 1991)

Jersey Employment Tribunal

Appointed on the recommendation of the Minister for Social Security (Employment Tribunal (Jersey) Regulations 2005)

Jersey Financial Services Commission

Appointed on the recommendation of the Minister for Economic Development (Financial Services Commission (Jersey) Law 1998)

Jersey Heritage Trust - Chairman

Appointed on the recommendation of the Minister for Education, Sport and Culture (Trust constitution)

Jersey Law Commission

Appointed on the recommendation of the Chief Minister (States decision)

Jersey Overseas Aid Commission

Appointed on the recommendation of the Chairman of the Commission (Jersey Overseas Aid Commission (Jersey) Law 2005)

Jersey Police Complaints Authority

Appointed on the recommendation of the Minister for Home Affairs (Police (Complaints and Discipline) (Jersey) Law 1999)

Law Revision Board – States members

Appointed on the recommendation of the Minister for Treasury and Resources (Law Revision (Jersey) Law 2003)

Manual Workers Joint Council – Employers' side membership

Appointed on the recommendation of the Chief Minister (Act of the States)

Official Analyst

Appointed on the recommendation of the Minister for Treasury and Resources (Food Safety (Jersey) Law 1966)

Public Accounts Committee (non-States members)

Appointed on the recommendation of the Chairman of the Public Accounts Committee (Standing Orders of the States of Jersey)

Public Employees Contributory Retirement Scheme – Committee of Management

Appointed on the recommendation of the Minister for Treasury and Resources (Chairman) and the Chief Minister (members) (Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989)

Public Lotteries Board

Appointed on the recommendation of the Minister for Economic Development (Gambling (Channel Islands Lottery) (Jersey) Regulations 1975)

Rate Appeal Board

Appointed on the recommendation of the Minister for Treasury and Resources (Rates (Jersey) Law 2005)

Rent Control Tribunal

Appointed on the recommendation of the Minister for Housing (Dwelling Houses (Rent Control) (Jersey) Law 1946)

Social Security Tribunal

Appointed on the recommendation of the Minister for Social Security (Social Security (Jersey) Law 1974)

States Members' Remuneration Review Body

Appointed on the recommendation of the Privileges and Procedures Committee (States decision)

States of Jersey Police Force, Chief Officer

Appointed on the recommendation of the Minister for Home Affairs (Police Force (Jersey) 1974)

Statistics User Group

Appointed on the recommendation of the Chief Minister (States decision)

Waterfront Enterprise Board Ltd.

Appointed on the recommendation of the Chief Minister (Memorandum and Articles of Company)

Westaway Trust - Council

Appointed on the recommendation of the Minister for Education, Sport and Culture (Westaway Trust (Jersey) Law 1930)

APPOINTMENTS MADE BY STATES MEMBERS TO NON-STATUTORY BODIES FROM AMONG THEIR OWN NUMBER

Assemblée Parlementaire de la Francophonie – Executive Committee

Bailiff's Consultative Panel

Commission Amicale – Jersey delegation