

**WRITTEN QUESTION TO THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE
BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 29th JANUARY 2008

Question

In July 2006 the issue of appointments *in camera* led to consideration of a review of future appointments, for which the Privileges and Procedures Committee circulated an extensive list; some of which were covered by law. Would the President update members as to the progress that has been made, if any, in these areas?

Will the Chairman advise whether changes will be brought to the States to remove the need for uncontentious appointments to be made in-camera and if so, will he ensure that amendments to the list of appointments can be brought if desired by States members?

Answer

As mentioned in the question the issue of appointments made by the States was considered in 2006 after the decision of the States to sit *in camera* to discuss the appointment of a new Chairman of the Waterfront Enterprise Board. At that time PPC nevertheless made it clear that, in its view, the issue of appointments being made *in camera* was a secondary issue to the more fundamental issue if whether or not appointments should be made by the States at all. Having reviewed the list of appointments in 2006 PPC saw no reason why the majority needed to be made by the States, particularly as many appointments are now made with the involvement of the Appointments Commission.

The requirement for appointments to be made by the States comes, in the majority of cases, from relevant legislation. Some legislation then requires the appointments to be made *in camera*, for example the Financial Services Commission (Jersey) Law 1998 as it relates to the appointment of Commissioners. In addition some legislation requires appointments to be made 'on the recommendation' of a certain Minister which prevents amendments, as mentioned in the question.

If changes are to be made to legislation to remove the requirement for States involvement in certain appointments, or to remove the requirement for these to be made *in camera*, the relevant amendments would not be brought forward by PPC but by the appropriate Ministers who are responsible for the legislation in question. PPC is not aware of any Ministers who have initiated a review into the appointments for which they are responsible since the issue was raised in 2006 and the Committee will therefore undertake to circulate the list of appointments to all relevant Ministers. The Committee will ask Ministers to review whether the appointments need to be made by the States in all cases and, if so, whether there is any justification for a statutory requirement for the appointment in question to be made *in camera*. Standing Orders allow the States to agree to sit *in camera* at any time and PPC's view is that this facility is preferable to a statutory requirement to sit *in camera* even when members have no particular desire to do so.