

# STATES OF JERSEY



## **MIGRATION CONTROL POLICY (P.137/2020): THIRD AMDENDMENT (P.137/2020 AMD.(3)) – COMMENTS**

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**Presented to the States on 26th February 2021  
by the Chief Minister**

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**STATES GREFFE**

## COMMENTS

### **Amendment:**

The 3rd amendment requests an addition to the current proposition.

Before sub-paragraph (viii) insert the following new sub-paragraph and re-designate subsequent sub-paragraphs accordingly –

“(viii) to provide for the Chair and other members of the panel established in accordance with sub-paragraph (vii) to be appointed by the States Assembly on a proposition from the Chief Minister;”

### **Executive Summary**

The Panel’s amendment would require a vote in the States Assembly to agree the members of the expert panel that is envisaged under P.137/2020.

The States Assembly has set up the Jersey Appointments Commission as a statutory body to oversee the appointment of individuals to senior government positions. The expert panel on population would be included in this process.

Following the rigorous selection process overseen by the Jersey Appointments Commission, a further debate and approval by the States Assembly on official appointments is no longer necessary.

This change in procedure was formally approved by the States Assembly with the introduction of the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#).

Under this law, an appointment to the expert panel could be made by the Minister and would be notified to the States Assembly at least 2 weeks before the appointment is ratified.

### **The Council of Ministers asks Members to reject this amendment.**

#### **Background**

The Council of Ministers welcomes the Migration and Population Review Panel’s interest in the proposed migration control policy and acknowledges the Panel’s desire to ensure comprehensive stakeholder engagement in matters of migration and population.

The Panel has lodged an amendment to P.137/2020 that would require a vote in the States Assembly to agree the members of the expert panel that is envisaged under P.137/20.

The Council of Ministers is unable to support the third amendment.

The wording included in the proposed amendment via c(viii) and the argument put forward in the Panel’s report is contrary to the views expressed by the States Assembly in debates on ‘P.205/2009 – Appointments made by the States: Revised Procedures’ and P.97/2017 – Draft States of Jersey (Appointment Procedures) Jersey Law 201-, both adopted by the States Assembly, and which paved the way for the States of Jersey (Appointment Procedures) (Jersey) Law 2018.

This recent legislation was enacted to reflect the States Assembly view that appointments to bodies by States decision is neither efficient (in terms of it being seen as a “rubber-stamping exercise”) nor appropriate (given that public debate of the appointment of individuals is not suitable for open debate in the Assembly).

This change in approach to appointments was mirrored by the establishment of the Jersey Appointments Commission and its role in reviewing appointments to States positions and those of independent bodies, and its role in issuing guidance for appointments which are required to be followed in such appointments.

This Panel will be recruited wholly in line with the Jersey Appointments Commission guidelines.

Whilst there are some panels and individuals to which the States Assembly retains the right to ratify an appointment these are generally in areas that:

- i) report directly to the States Assembly – for example, the post of Comptroller and Auditor General or that of Greffier of the States; or
- ii) bodies that have considerable powers and responsibility under the legislation governing them - for example, Overseas Aid Commissioners, and the Jersey Police Complaints Authority.

This expert panel will have a purely advisory role to Ministers, will not report directly to the States, and will not have any powers.

The Council of Ministers considers that it would be neither efficient nor appropriate for this panel to be treated differently from other similarly constituted panels, such as the Fiscal Policy Panel.

**The Council of Ministers asks Members to reject the 3rd amendment.**