

PRIVILEGES AND PROCEDURES COMMITTEE

(28th Meeting)

26th October 2006

(Business conducted by telephone)

PART A

All members were present, with the exception of Senator S. Syvret and Connétable K.A. Le Brun of St. Mary, from whom apologies had been received.

Connétable D.F. Gray of St. Clement - Chairman
 Senator M.E. Vibert
 Deputy G.C.L. Baudains
 Deputy C.H. Egré
 Deputy J. Gallichan

In attendance -

Miss P. Horton, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A and Part B.

In-camera States
 debates.
 1367/3(23)
Encl.

A1. The Committee, with reference to its Minute No. A6 of 18th October 2006, considered its response to P.119/2006 entitled 'Waterfront Enterprise Board: appointment of Chairman - publication of transcript of *in camera* debate' which had been lodged 'au Greffe' by Deputy P.V.F. Le Claire of St. Helier on 29th September 2006.

The Committee decided to comment as follows -

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.'

The Greffier of the States was requested to arrange for the Committee's comments to be presented for consideration by the States on 7th November 2006.