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3.2 Deputy J.A.N. Le Fondré of St. Lawrence of the Chief Minister regarding consultation prior to the lodging of the ‘Draft Employment of States of Jersey Employees (Amendment No. 8)(Jersey) Regulations 201- (P.105.2016): [1(45)]

Will the Chief Minister, as chairman of the States Employment Board, advise when the first attempt was made to lodge Amendment No. 8 to the Draft Employment of States of Jersey Employees (Jersey) Regulations 201-; and outline what consultation, if any, had taken place with the Crown officers prior to any such initial attempt?

Senator I.J. Gorst (The Chief Minister):

Discussions took place with Crown officers at a number of points last year. Then we lodged this particular legislation. It is perfectly reasonable of course to remain open to constructive input, as we have done through that process. A new and clear way forward on this matter has been arrived at. I have spoken to Crown officers about this and I have also confirmed to the chairman that I will attend upon them at their request and look forward to going into the details of this particular amendment and the proposed solution.

3.2.1 Deputy J.A.N. Le Fondré:

I note the Chief Minister’s response but can he just confirm that on 19th September a document was presented to the Greffe with the intention that it should be approved for lodging? That the document included provisions relating to Crown appointees and that the Crown officers had not been consulted on this.

Senator I.J. Gorst:

It may not be the case that there was consultation on this particular amendment but on the principles, particularly in regard to a Judicial and Legal Services Commission. There was consultation but there is a very detailed timeline that I will provide to the panel and I am more than happy to consider their concerns in bringing forward a new proposed amendment.

3.2.2 Connétable C.H. Taylor of St. John:

Could the Chief Minister also confirm that His Excellency the Lieutenant Governor had not been consulted at this time?

Senator I.J. Gorst:

The amendment as written dealt with Crown appointments, that is the appointment of Crown appointments, not the individual Crown appointees.

[11:00]

3.2.3 Senator S.C. Ferguson:

Would the Chief Minister explain the late amendment lodged on 23rd December of the amendment to the amendment, and outline the thinking which led to that amendment?

Senator I.J. Gorst:

The Senator will know from reading the May proposition what the thinking was. It is a change of remit for the Appointments Commission. It is about the appointment of the new chief executive officer and the involvement with the Appointments Commission for external bodies. At the same time the amendment to the amendment, that the Senator is referring to, deals with Crown appointments. I do not think that there should be any difficulty in understanding why that would be

appropriate and why it is appropriate. The question that has been raised is about whether it sits with this particular piece of legislation or it is better to reserve some of those issues for a further piece of legislation, which will be the Judicial and Legal Services Commission legislation.

3.2.4 Senator S.C. Ferguson:

Why did the Chief Minister consider that it was appropriate to include the Crown appointees in the late amendment posted on 23rd December?

Senator I.J. Gorst:

It was late because conversations were being had about it and concern being raised about it. But it was agreed as in order on that date.

3.2.5 Deputy J.A.N. Le Fondré:

Some might say that the failure to consult with people who are being significantly affected or the posts significantly affected by the amendments shows a level of discourtesy. How would the Chief Minister like to respond to that?

Senator I.J. Gorst:

In politics there is disagreement. Not quite every day but most days there is disagreement. The principle that there should be independent oversight of these appointments is absolutely correct, in my opinion. The question then became about whether that is appropriately dealt with in this piece of legislation or it should be appropriately dealt with in a different way through a different structure. Currently, in statute, there is no provision in place with regard to the Appointments Commission with regard to Crown appointees. There is the matter of previous practice but nothing in statute. That needs to be corrected, in my opinion, but I am prepared, and have said I am prepared to work, and I have already worked on a solution going forward, which I have offered, at their request, to brief the panel on.