

2019.12.10

6 Deputy K.F. Morel of the Chief Minister regarding the appointment of a permanent Chair of the Jersey Competition Regulatory Authority: (OQ.296/2019)

Given the end of the term of office of the current Chair of the Jersey Competition Regulatory Authority has been known since June, as expressed in R.76/2019, will the Chief Minister explain why a permanent Chair has not since been sought and appointed, resulting in the Government having to appoint an interim Chair, at short notice?

Senator J.A.N. Le Fondré (The Chief Minister):

Yes, preparations for the end of the current Chair's term in July 2019 were underway as early as March. The Jersey and Guernsey Competition Regulatory Authorities work together, under the C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) brand and share a board, but the Government of Guernsey has its own governance arrangements, which it must apply to the replacement of the G.C.R.A. (Guernsey Competition Regulatory Authority) Chair. A Channel Islands' process, overseen by the Jersey Appointments Commission, was underway, that was expected to lead to an appointment well before the year end; however, a change of circumstances, in early October, led to a decision, taken by both Islands, under the supervision of the Jersey Appointments Commission, to operate a wider search. This is underway and a search partner is about to be selected to operate a long-listing process in the first quarter of next year.

3.6.1 Deputy K.F. Morel:

Given that, in R.76, the Chief Minister has stated that the current Chair has proven to be an efficient and effective Chair, would the Chief Minister explain the reasons ... whether it was their decision, or the Government's decision to replace the Chair?

Senator J.A.N. Le Fondré:

I will just caveat some of my comments with the fact that we are obviously in a relatively live recruitment process at the moment. As some Members may appreciate, it is not always appropriate to comment during the middle of a live process, but, essentially, the current J.C.R.A. (Jersey Competition Regulatory Authority) Chair took a decision, in approximately October, to step down and withdraw his application for a further term.

[10:30]

That is unfortunate and to answer the question, because as far as the Government is concerned, we are very satisfied with his leadership of the J.C.R.A. We do not believe that decision to stand down upon expiry of his current term, which is obviously at the end of this year, was influenced by any factors relating to governmental policies and/or actions and so, other than that, it is very much a matter for the Chair and the Board.

3.6.2 Deputy D. Johnson of St. Mary:

First of all, I thank the Chief Minister for his helpful reply to Oral Question 1, raised by Deputy Perchard. In his statement, just issued, he does make reference to the Guernsey Competition Regulatory Authority and that their own accounts do refer to the degree of co-operation they need to appoint a joint Chair. Could he please elaborate on what is happening in Guernsey and the degree of co-operation as between Guernsey and Jersey, at the moment; particularly, does he ever envisage Jersey going its own way on its own appointment, without the consent of Guernsey?

Senator J.A.N. Le Fondré:

To answer the latter question: no, there is a joint process; we are working together. The recruitment process, from our point of view, is being done under the auspices of the Jersey Appointments Commission, but Guernsey and Jersey are working together on this.

3.6.3 Senator K.L. Moore:

Could the Chief Minister tell the Assembly how many applications there have been, since the recruitment process opened?

Senator J.A.N. Le Fondré:

The present process is about selecting someone to run the long listing, so we are not at that stage.

Senator K.L. Moore:

Sorry, I mean since the recruitment process opened in March.

Senator J.A.N. Le Fondré:

I think the recruitment process started after the short-term extension from July onwards. There was a limited number of candidates and I do not really want to comment too much further, bearing in mind my comments around commenting during a live application process, but the decision has been made to make it wider.

3.6.4 Senator K.L. Moore:

I am sorry to press the point, but the Chief Minister did say, initially, that the process began in March and I think it is a very simple question that can be answered; it is a number.

The Bailiff:

I will treat this as the supplementary. because the second time you spoke was to clarify what your question was but ...

Senator J.A.N. Le Fondré:

Just to also clarify, I said "preparations commenced as early as March" or "were underway as early as March", I did not say the recruitment process started in March.

3.6.5 The Connétable of St. Brelade:

Some have suggested that the usefulness of the J.C.R.A. has perhaps disappeared and it has run its time, would the Chief Minister agree with that statement?

Senator J.A.N. Le Fondré:

I have no great views on C.I.C.R.A., one way or the other, from the point of view I support their role. I think they do have a role to play in the Island. I know at times it is not always welcomed but, no, I believe they do have a good role to play. So, I do not envisage any change in the status of C.I.C.R.A., or any change in their future operations from that perspective. If the Connétable has some alternative views, I would be happy to discuss them with him.

3.6.6 Deputy J.M. Maçon:

Looking at the process, does the Chief Minister think that, in attracting people to these positions, that the Government is proactive enough and, certainly, when it comes to diversity, is the Government proactive enough?

Senator J.A.N. Le Fondré:

In terms of diversity, I think there is always more that should be done, but I do emphasise we have been making quite a lot of representations, both internal to the organisation and obviously working with the Jersey Appointments Commission. Obviously, a lot of these appointments are done through the Jersey Appointments Commission process and they are fully aware of the requirements, under a modern society, from the diversity perspective. I have forgotten the first part of the question.

Deputy J.M. Maçon:

In general, are we proactive enough in attracting candidates to go for these positions?

Senator J.A.N. Le Fondré:

Ordinarily, yes, there are times in the process one does get the odd bump on the road and occasionally, as I said, in this particular instance, the present Chairman withdrew his application in October, which is why we have also decided to widen the process.

3.6.7 Deputy K.F. Morel:

Would the Chief Minister confirm that the ultimate appointee, whoever they are, will be someone with regulatory experience, as opposed to being, for want of a better phrase, a general-purpose Chair, who has no specific regulatory experience?

Senator J.A.N. Le Fondré:

My understanding is that it will be someone who has to have the expertise in the areas that are relevant to C.I.C.R.A. and are, obviously, appropriate for both Jersey and Guernsey.