

## **5. Questions to Ministers without Notice - the Chief Minister**

### **5.1 The Deputy of St. Martin:**

At a Corporate Affairs Scrutiny Panel meeting last week the Chief Minister is reported as saying that while he was generally pleased with the way Scrutiny Panels have begun their work, there were concerns about one or 2 Panels and it was vital that Scrutiny acts as a crucial frame rather than pseudo opposition. Would the Chief Minister identify the one or 2 Panels, what area of work is causing concerns and what steps have been taken, not only to inform those 2 Panels but also to get the 2 Panels doing what he thinks they should be doing?

#### **Senator F.H. Walker (the Chief Minister):**

Sir, I expressed a general concern. I am not going to this morning name the Panels that do give me concern, but it is an issue that I expect to be discussing with the Chairmen's Committee on Thursday.

### **5.2 Deputy S. Pitman of St. Helier:**

The minutes of the 9th meeting of the Council of Ministers state that, according to the States of Jersey Law, Scrutiny is not defined as "government." Would the Chief Minister clarify for the House and constituents who voted-in Scrutiny Members whether this is a view he holds? And furthermore, currently members of Scrutiny can only access those 'Part B' minutes that relate to a Scrutiny review. Access to Livelink is restricted to public items and we do not have access to the same legal advice as Ministers. The Chief Minister has publicly stated that he hopes that the Council of Ministers and Scrutiny will work together towards an open and transparent government. How does he relate this current situation to an open and transparent government?

#### **Senator F.H. Walker :**

I am sorry, I missed the first part of the Deputy's question so I will answer the second part and if, with your permission, she wishes to restate the first part I will take it in. So far as access to 'Part B' minutes are concerned, this is enshrined in the States of Jersey Law. This is not a decision of the Council of Ministers. This is the decision of the States taken when we established Ministerial government and the role of Scrutiny in it. I think the Deputy would also be aware that the question of legal advice is not a problem, so far as the Council of Ministers is concerned. There has been considerable debate with the Attorney General and the Solicitor General and I think we are all - Scrutiny and Ministers alike - awaiting a very early outcome to that position because I had made it clear - the Council of Ministers had made it clear - that we do absolutely agree that Scrutiny should have full access to legal advice, but there are issues yet to be resolved with the Law Officers. So far as working together is concerned, I think that probably lies behind the concerns I expressed at Scrutiny last week. I believe there is much yet to be done to establish Scrutiny in the form in which the States agreed it should be established, both in terms of the protocol - which I accept is awaiting the outcome of legal advice - and, indeed, in terms of agreeing the programme that Scrutiny will operate to throughout the year. That was very clearly agreed when Scrutiny was established and we have not yet got to that stage, and the earlier we do the better from my perspective.

### **5.3 Deputy S. Pitman:**

The minutes of the 9th meeting of the Council of Ministers states that according to the States of Jersey Law Scrutiny is not defined as the "government." Would the Chief Minister clarify for the House and constituents who voted-in Scrutiny members whether this is a view he holds himself?

#### **Senator F.H. Walker:**

I think actually that Scrutiny is a part of government and I made that statement on more than one occasion. I believe it is a part of government that we have the Executive role of government and we have the Scrutiny role of government, and what I want to see is the 2 working together sensibly in the best interests of the public to come to the best decisions to the benefit of Jersey. I am not satisfied that that is yet the case and I hope that all parties will be working towards achieving it at the earliest possible opportunity.

**5.4 The Deputy of St. John:**

I just wonder if the Chief Minister could answer a question I also posed to the Minister for Economic Development concerning the establishment of a Channel Islands Commission so that we have perhaps better relationships with our sister island, Guernsey? Could he assure us that this is an agenda item that he would consider putting at a Council of Ministers' meeting in the near future?

**Senator F.H. Walker:**

Yes, I can.

**5.5 The Deputy of St. Ouen:**

During a Corporate Affairs Scrutiny Panel hearing which I attended relating to the draft amendment to the Sexual Offences Law, it was claimed that other issues outside of the Panel's remit which are, however, inextricably linked to the Law are being reviewed by certain departments. Could the Chief Minister confirm that these issues are currently being reviewed by Health and Social Services and Education, Sport and Culture and when will consultation take place?

**Senator F.H. Walker:**

I cannot give an answer to that question this morning but I will provide the Deputy with an answer very shortly.

**5.6 Deputy J.A. Martin:**

Accompanied with the Strategic Plan the Minister said that we may make amendments if we require or need to, and on 23rd March the Council of Ministers discussed the States' Property Plan which is supposed to support the Strategic Plan by providing approximately about £20 million. Will the Minister be able to give all States Members the proposed Property Plan - the maybe Property Plan - and the now confirmed Property Plan? Because if I want to bring an amendment I need to know the research behind every piece of property that is thought to being sold off or maybe have been sold off, and maybe I or others may find that there is one suitable more than the other.

**Senator F.H. Walker:**

I am quite surprised the Deputy is asking the question because I have replied to a question she put to me by e-mail a couple of days ago, and I am quite surprised she has not seen the answer. But that notwithstanding, the Council of Ministers is obliged to put before the States all major property transactions to give States Members a minimum of 15 days to comment or lodge amendments to propositions in their own right. That is enshrined: I think it is in the States of Jersey Law, maybe under Standing Orders, or certainly it was agreed when the Property Division proposals were accepted by the House last year. So we are obliged to meet the Deputy's requirements.

**5.7 Deputy P.V.F. Le Claire:**

I had 2 but I will stick to my original. Given that Mont Orgueil was recently reopened on the weekend will the Chief Minister outline the events for the rest of the year. I know on Friday we

are meeting to say goodbye to the Lieutenant Governor, but I am sure he will join with me in congratulating him and his wife, Lady Cheshire, in the role they have played so far. But will he also comment on the reopening of Mont Orgueil Castle this week?

**Senator F.H. Walker:**

I will of course warmly endorse the Deputy's comments on the Lieutenant Governor and his wife. Comments will be made more formally in another place at another time but I am sure the whole House will view Sir John and Lady Cheshire's departure from Jersey with considerable sadness because they have brought an entirely new relationship, I think, with the people of Jersey to the office of Lieutenant Governor. The opening of Mont Orgueil was, I think, a momentous day in Jersey's history and Jersey's heritage, and I was delighted to see so many people attending the opening. I think the fact that 5,000 or so Jersey people turned out was a clear indication the people of Jersey will respond, that there is a strong community spirit and the enjoyment of all those I spoke to was obvious. I hope that we will have, and I think we have heard from the Minister for Economic Development that his intention is that we should have major days in the Jersey annual span - if that is the right way of putting it - and I look forward to hearing more of his proposals in the near future. It is something we should encourage and something we should be seeking to improve on at every opportunity.

**5.8 The Deputy of St. Martin:**

I do want to come back on the Chief Minister in the answer that he gave to me. If the Chief Minister will not identify the Panels that cause him concern, will he identify those Panels that do not cause him concern? [Laughter]

**Senator F.H. Walker:**

In my view you should disallow that question. The answer is still no.

**5.9 The Deputy of St. Ouen:**

I really do not want to press the Chief Minister, however I thank him for his non-answer and equally I would like to say the first question is: could the Chief Minister inform this House when we will have knowledge of whether or not all issues associated with the Sexual Offences Law are being looked at and by whom, and whether consultation will take place? Will he equally like to comment on a particular hearing where actually it has been suggested by one of the members of the Panel that the Chief Minister actually was going to ensure that this review and consultation process would take place?

**Senator F.H. Walker:**

I do apologise to the Deputy, I actually misheard his first question which is why he got such a nondescript answer. The Sexual Offences Law was the subject of a major discussion between me, the Minister for Home Affairs and the Assistant Minister for Home Affairs last week, and I have learnt from, and I have agreed with, the Minister that it is of the highest priority and the highest urgency to bring this forward. However, the Deputy is aware that there are other requirements the Scrutiny Panel wish to be involved. The Scrutiny Panel have issued a report which makes recommendations and, of course, the Home Affairs Minister has to take those into account. But I can assure the Deputy and the House that this is at the highest priority and I know it will be coming forward at the earliest possibility opportunity.

**5.10 Deputy G.P. Southern:**

Is the Chief Minister disappointed at having to draw up a memorandum of understanding with respect to WEB (the Waterfront Enterprise Board)? Does he accept that undue pressure was put on the Planning Minister by the Chairman of WEB and will he be calling for the Chairman's resignation?

**Senator F.H. Walker:**

I am disappointed that a memorandum of understanding was necessary because it reflected misunderstandings and confusing communication, but that is all it reflected. It most certainly did not reflect or result from any pressure put on the Planning Minister by the Chairman of WEB and the Planning Minister himself would fully endorse that statement. Therefore there is absolutely no call whatsoever for me to request the resignation of the Chairman of WEB.

**5.11 Deputy J.A. Martin:**

I just wanted to press the Minister on the States' Property Plan. I do know that it can be amended and it has to be presented and we have got 15 days. What I want the Minister to supply to the rest of the House is all the property that was considered by the Council of Ministers to go on the sell-off list because there may be other States Members who feel that there are better suited alternatives on that list that are now not going to be presented to the States for approval, and unless we know what was considered in the Council of Ministers we cannot present an alternative: it will be a *fait accompli*. Will the Minister provide all the properties that were considered by the Council?

**Senator F.H. Walker:**

Yes, I will. There is absolutely no problem with this whatsoever and, of course, we will - as I have already I think made clear - comply fully with the requirements of the House when they debated the Property Plan last year.

**5.12 Deputy G.P. Southern:**

The draft Strategic Plan 2006-2011 contains many references to a possible privatisation of public utilities. Is it actually the Chief Minister's intention to sell-off the public utilities in the next 5 years?

**Senator F.H. Walker:**

Sorry, I cannot say for sure it is my intention or, indeed, the intention of the Council of Ministers. The Strategic Plan makes it clear that it is going to be looked at very seriously indeed and the Treasury and Resources Minister has also made that clear himself. We are looking at whether it better serves the public interest to dispose of the public utilities, or at least part of the public utilities, and reinvest the funds so gained to better effect of the public. That is being looked at but no final decisions have been taken and, of course, could not be taken without full reference to this House.

**5.13 Deputy G.P. Southern:**

In an unrestrained market is the Chief Minister aware that should he decide to sell-off any one of the public utilities it may well become owned by a foreign company and therefore we shall receive very little taxation from that utility?

**Senator F.H. Walker:**

All such considerations would, of course, be taken fully into account by the Council of Ministers, particularly the Treasury and Resources Minister, and would, of course, be the subject of full debate in this House. There is no question of selling-off the utilities in any other situation than it is firmly shown to be in the public interest and I would not expect either the Council of Ministers or the States to agree to any proposal which did not clearly meet those criteria.

**The Deputy Bailiff:**

Any other questions? That concludes questions to the Chief Minister.