

4. Questions to Ministers without notice - The Chief Minister

4.1 Senator B.E. Shenton:

Is the Strategic Plan a wish list, a manifesto, or a strategic plan that gives the Ministers the power to implement the strategies contained therein?

Senator F.H. Walker (The Chief Minister):

It is none of those 3 things and I am saddened that the Senator should think it has to fall into any one of those categories. The Strategic Plan is a vision for the States to sign up to or not as the States may wish; merely a vision for the long-term direction in which the States wishes Jersey to go. It could also be described as - as the statement I will make shortly makes clear - a work plan for the Council of Ministers as agreed by the States to work to and to come back to the States on the back of, with specific propositions and, in particular, anything relating specifically to the allocation of resources.

4.1 Deputy S. Pitman:

How does the Chief Minister's proposed scrutiny work with Ministers: during the formulation of policy, with draft policy or when a policy is in its completion?

Senator F.H. Walker:

I think that is laid out very clearly in the States of Jersey Law and Standing Orders. The thinking has always been that Ministers would draft policy and at the earliest possible stage that draft policy would be shared with the relevant Scrutiny Panel or Panels and discussions and scrutiny would then take place. Sadly, if the Strategic Plan is anything to go by that has not worked terribly well in recent weeks and months. Again, I will be referring to that in my statement. But let me make it abundantly clear, Sir, again. The system of ministerial governance, if it is to work properly, requires strong independent but disciplined and organised scrutiny if it is to deliver what the people of Jersey expect of it. We have much to do to arrive at that objective. There have been teething problems. One could argue there have been more than teething problems. We have much to do to arrive at that objective but I believe firmly that in the best interests of the people of Jersey we should all - Council of Ministers, Scrutiny Members and all other States Members - sign up to that objective and make sure we deliver on it in the earliest possible time span.

4.1.1 Deputy S. Pitman:

Sir, could I just comment, please? The thinking of scrutiny is that we work also during the formulation of policy. It is not clear to scrutiny.

Senator F.H. Walker:

I think I referred to that and, again, the Council of Ministers would entirely agree.

4.2 Deputy R.G. Le Hérissier:

Notwithstanding everyone's commitment to a Strategic Plan as a proper plan, would the Minister indicate whether the vote we will take - assuming we get that far - on the plan will be a binding vote which will bind us to a series of subsequent policies and, if not, what will be the actual significance of that vote?

Senator F.H. Walker:

I am delighted this question has been asked although I would have covered it in my statement. The answer is a very categorical: "No." The States is not being asked and nor has the States ever been asked, and nor has the Council of Ministers ever suggested the States should be asked, to bind itself to specific projects, laws or whatever it may be, as a result of the Strategic Plan. The Strategic Plan is exactly the same as it was 3 years ago in concept, when the States - without this sort of debate - approved a general direction which it wanted to take. As I said in answer to a previous question, the Strategic Plan could be taken as a work plan for the Council of Ministers to pursue and to then bring forward either in the form of the business plan - which does cover specifics in terms of resources and allocation - or in the form of reporting propositions on major policies. It is a work plan so you could say it is not binding on the States but it is binding on the Council of Ministers. Once the States have taken a decision, whether that is a Strategic Plan amended or not, it is incumbent upon the Council of Ministers to come back to the States with a business plan. There is no commitment on resources - none whatsoever - until the business plan is agreed. It is also incumbent upon the Council of Ministers to come forward with the detailed propositions or laws as the case may be to follow the instructions of the States to deliver upon the general strategic direction. So, in summary, it is not binding upon the States; the States decision - because the States is paramount - is binding upon the Council of Ministers. I hope that clarifies the obvious misconceptions that have been in many States Members' minds for some weeks. I really do wish that those Members who had those fears had asked me the question or asked it of my fellow Ministers some time ago rather than to allow unnecessary hares to run.

4.3 The Deputy of St. John:

Is the Chief Minister aware that under the new Extradition (Jersey) Law 2004, which is based on the U.K. Extradition Law 2003, some European countries and the U.S.A. can request the extradition of Jersey citizens without there being necessary for that country to demonstrate sufficient or significant evidence for the person to stand trial? Is he also aware that there are only very limited circumstances in which extradition to one of these countries can be prevented? Specifically, is he aware that there is no longer any discretion vested in either the Minister for Home Affairs or the U.K. Home Secretary to prevent such an extradition? Is he concerned that the U.S.A. has not implemented reciprocal legislation?

The Bailiff:

Too many questions in one go.

The Deputy of St. John:

Thank you, Sir.

Senator F.H. Walker:

I am aware of the positions that the Deputy puts but I think the Deputy should be aware that the problems he has identified have existed for many years. In fact, the extradition policy or legislation approved by the States in, I think, 2004 improves the matter considerably because it gives Jersey far more say than Jersey ever had previously. Previously, decisions to extradite or not were taken in a Magistrates Court in the U.K. without necessarily any reference to Jersey. But the points the Deputy makes are important points; many of them were addressed during a debate on the extradition law. So I think the best way forward is if the Deputy would provide me with a written and detailed compilation of his concerns. Then I will share those with the Attorney General and do my very best to give a much more detailed response to the Deputy.

4.4 Deputy C.J. Scott Warren of St. Saviour:

Does the Chief Minister agree that when the States Assembly approves propositions and amendments the necessary funds should be sought in order that these decisions can be implemented as soon as possible?

Senator F.H. Walker:

I think providing those funds and resources have been identified at the time of the debate - and it has not always been the case in the past - and providing that they are affordable and do not breach other States decision to contain overall expenditure, and providing a clear means to fund them, then the answer has to be: "Yes." But I think there have to be significant disciplines along the lines I have mentioned for that to be acceptable.

4.5 Deputy D.W. Mezbourian of St. Lawrence:

In answer to my question on 14th February, the Chief Minister admitted that suspension numbers of public sector staff gave, in his words, cause for concern. Accordingly, he had asked the Chief Executive to carry out an urgent investigation reporting back with recommendations for improvement. Answering me on 14th March, the Chief Minister advised that the investigation was indeed in progress, envisaging completion by mid-April. Would the Chief Minister now please advise the House when we may expect to have sight of, in his words, this urgent review?

Senator F.H. Walker:

Within the next 2 weeks.

4.6 Deputy J.A. Martin:

The Chief Minister set up a sub-policy group with many of the Ministries that are covered by a Scrutiny Panel that I work on. Is the Minister prepared to let the States see copies of the agendas for the sub-policy group and also copies of the minutes for the sub-policy group?

Senator F.H. Walker:

Sir, can I just clarify which sub-policy group is this?

Deputy J.A. Martin:

The Social sub-policy group. Sorry, Sir. Thank you.

Senator F.H. Walker:

The Deputy's question is can States Members have access to the agendas and the minutes of the policy group. If States Members wish, I see no problem with that whatsoever.

4.7 Senator J.L. Perchard:

I have just changed my question on the back of a question the Chief Minister gave to the Deputy Scott Warren just a moment ago. How can the Chief Minister, given the answer he gave to the Deputy Scott Warren, expect a back-bencher to provide the source of funding for an amendment to the Strategic Plan given the fact that they are simply back-benchers? They are, of course, able to provide manpower and financial implications but the source of funding? How can the Chief Minister honestly expect a back-bencher to be able to do that?

Senator F.H. Walker:

I did not necessarily say a back-bencher had to do that. I said that the source of funding had to be identified. I did not say by whom and I think that is an important point. The fact is the States cannot approve on the one hand a limit to the amount of expenditure we are going to spend - cash limits for every single department - and then, at will, change that without coming up with the necessary alternatives. It is totally inconsistent for the States to take a decision on the one hand and then change it without knowing what it is changing or the consequences of that change on the other. That is surely not good government.

4.8 Deputy G.P. Southern:

I am torn between the question I wanted to ask and this one but I really have to go with here. Following the answer given to Senator Perchard, is it not the case that the current Strategic Plan as proposed by the Council of Ministers has been costed because my understanding - from previous answers from the Minister - is that it has? As a consequence of that, if a back-bencher were to amend it to add another element in would that not automatically mean costing going up?

Senator F.H. Walker:

Of course it has been costed and we have made that clear in the past. If a back-bencher brings an amendment with financial consequences then ultimately it will not be the Council of Ministers, it will be the States that has a decision to take. The States will either decide that it wants to breach cash limits with the consequences of that or the States will decide, upon the recommendation of the Council of Ministers or any other States Member, to take money from one budget which has previously been agreed and put it in another. I am sorry, Senator Perchard, but that is a fact. Either we take money out of a budget to put it into another budget if States Members wish or we add to our overall expenditure. You cannot have it any other way.

4.9 The Connétable of St. Helier:

Would the Chief Minister clarify the situation with regard to the mushrooming of nuclear activities on the Cotentin Peninsula? Would he account for the fact that there appears to be no reference to the nuclear activities on the French coast in the Strategic Plan and would he confirm that he is concerned that the element of risk, however small, would have a huge impact on our Island?

Senator F.H. Walker:

The current activities in relation to the proposed extension of Flamanville are clouded in uncertainty and there are conflicting messages emanating from various bodies both in Normandy and in Paris. That my department is endeavouring to clarify as this meeting takes place. In so far as the Strategic Plan is concerned if there has been an omission in this context then I would invite the Constable to lodge an amendment which the Council of Ministers - and I am sure the States - would give serious consideration to. In relation to risk I think the risk of a nuclear accident in France has been well documented and discussed on many occasions both in this House and elsewhere. But I am afraid that it is a fact of life for Jersey that a nuclear reactor does exist close to our shore. Given that there are over 50 such nuclear reactors throughout the width and breadth of France it is probably not a surprise. But we do have to monitor risk and in particular - and there is a long outstanding question - we have to look at the insurance issues relating to any possible problem no matter how remote that may be.

4.10 Deputy R.C. Duhamel of St. Saviour:

[Aside] I will be brief. The Isle of Man government, in common with other governments and other jurisdictions, decided to conduct their strategic review in line with their budgeting debate. Why has the Council of Ministers indeed brought forward - or intends to bring forward - proposals to separate those 2 debates when the logical process must be to have them on the same day?

Senator F.H. Walker:

The straightforward answer is that is exactly what the States instructed us to do in the States of Jersey Law which we have met to the letter.