

3.11 Deputy S.C. Ferguson of the Minister for Home Affairs regarding the press interview with the Deputy Chief Officer of Police in relation to firearms:

When did the Minister learn of the press interview by the Deputy Chief Officer of Police concerning firearms, and would she explain the reasons, if any, why States Members were not notified in advance?

Senator W. Kinnard (Minister for Home Affairs):

I believe the Deputy is referring to enquiries made by the *Jersey Evening Post* to the Deputy Chief Officer, States of Jersey Police. There was no press interview as such. I was informed of the release of information on 15th March. I am not aware of any precedent whereby States Members have to be notified in advance of issues entering the public domain. Under the Committee system it was standard practice within the Home Affairs Committee to notify Committee members of controversial issues notified to or picked up by the media. However, it was not always possible or practical to notify Members in advance of broadcast or publication.

3.11.1 Deputy S.C. Ferguson:

I am interested in whether the Minister, in fact, was aware of the content of this article? We have an irresponsible and sensationalist article, which would have made Alistair Campbell proud, and which spins the facts successively. It has caused distress to the population in general, concern to *bona fide* gun owners; does the Minister not consider that the article was alarmist and unnecessary? What steps will be taken to prevent a recurrence and what steps will she recommend regarding the question of accountability of departments to their Ministers?

Senator W. Kinnard:

Thank you, Sir, I value your guidance in that I think this particular supplementary question veers over into the question that I have next from Deputy Baudains of St. Clement. I do not know which way you would prefer me to answer: the substantive question with all of that information in or to the answer the supplementary, Sir?

The Bailiff:

You must answer it succinctly whenever you choose to do it, but the question has been put now, Minister, so I think you must deal with it.

Senator W. Kinnard:

The first point that I think I would make, Sir, is that the nature of the article perhaps is not necessarily to be attributed to what the Deputy Chief Officer had to say. Certainly, with the nature of the article and the way in which it was written, I think there are questions that could be put to the organ which actually produced that article. Having been asked though, Sir, by the media, just to explain the situation - questions relating to the control of firearms in the Island - the States of Jersey Police at that point felt it necessary to release certain information both in the interests of public safety and for freedom of information. I was informed shortly after the information was released. But in answering the questions from the media I do believe that a balance has to be struck between withholding information - which can be legitimately put in the public domain in an area of freedom of information - and also being circumspect about the release of information that might alarm the public unduly rather than simply inform them or which might be obviously treading on the sensitive

opinions of interest groups, in this case obviously the Parishes, the Firearms Council and shooting clubs. But on that point, Sir, proper legal advice was taken by the States of Jersey Police...

The Bailiff:

I am sorry, Minister, your time has expired.

Senator W. Kinnard:

I will finish answering it perhaps then when I have a chance to answer Deputy Baudains question.

3.11.2 Connétable G.W. Fisher of St. Lawrence:

In view of the many concerns about the issue of firearms certificates communicated to the press by the Deputy Chief Officer of the States of Jersey Police, and bearing in mind that all applications for firearms certificates are first vetted by the States Police, and that the States Police maintain all the firearms records for most Parishes and also maintain the central firearms index, can the Minister confirm that all such concerns had been specifically addressed with the respective Connétables involved soon after they came to light? And if not, which seems to be the case, does she believe that it is the duty of the Deputy Chief Officer to ensure that they are so addressed rather than first being raised in general by interviews with the local media?

Senator W. Kinnard:

As I had said, the information that was released was in relation to information sought by the *Jersey Evening Post* and I have made it quite clear that advice was taken in terms of legal advice, and also the Data Protection Commissioner so that that information could not, in any way, be withheld. I would say, Sir, that quite at the same time the Constables themselves had expressed some concerns and had written to the Attorney General requesting his advice on some of the concerns that they had about the way in which the Firearms Law is currently operating. I would say that both the Constables and certainly myself, as Minister, and my Assistant Minister, are absolutely dedicated to working together to ensure that the situation is improved, that we are of one mind on this matter.

3.11.3 Connétable T.J. du Feu of St. Peter:

The Minister has referred to legal advice being sought on a number of occasions, could she inform the House where was the legal advice from?

Senator W. Kinnard:

If the Connétable is referring to the nature of whether or not it was appropriate to release certain information, that advice was taken from the Solicitor General, and from the Data Protection Registrar, which is not legal advice but advice on protection issues.

Miss S.C. Nicolle QC, H.M. Solicitor General:

I would like to clarify one point. My advice was taken on the release of one specific piece of information, and that was after the initial articles had appeared.

3.11.4 Deputy R.G. Le Hérissier:

Would the Minister outline what protocols govern the relationships with the press in her Ministry, and what items, for example, are her prerogative and what items are the prerogative of civil servants or police officers? Secondly, would she disabuse us of the notion that every time she is approached for something we get this impression she has hunkered down in deepest St. Peter saying no comment, no comment, no comment?

Senator W. Kinnard:

First of all, I am not hunkered down in deepest St. Peter. I do not actually live there. No, but that is not true. I do not know where the Deputy gets that attitude at all. But going on to the issues that have been raised substantially, I would certainly ordinarily expect to be consulted on issues that are potentially of a sensitive nature prior to the release to the media, but I also am quite clear that I do not wish to interfere with the police's ability to release information which is in the best interest of the public, and that is not because I am seeking to deny the media access to any sorts of information, I simply, obviously in most cases, would wish to be aware in advance of matters which were going to enter the public domain. The Chief Officer of the States of Jersey Police does have every right to release information to the media without having to clear absolutely everything before me. Indeed, in certain situations it would be appropriate obviously for him to consult with me first, but it is not my purpose, as I say, to interfere in every single operational matter. I have been reviewing, and will be further reviewing, the way in which information is released in terms of the procedures that we do have at the States of Jersey Police, and particularly I will be reviewing it in the light of the new development that we have in terms of the States of Jersey Communications Unit.

3.11.5 The Connétable of St. Peter:

I invite the Minister to revisit her answer to me regarding the legal advice given the comment made by the Solicitor General.

Senator W. Kinnard:

I accept the comment made by the Solicitor General. I was not actually answering my question as to the timing of advice, I was asked as to what advice was sought. Certainly the advice of the Data Protection Registrar was sought by the Deputy Officer prior to the advice that was later sought after the event of the Solicitor General. I am quite happy to accept that.

3.11.6 The Connétable of St. Lawrence:

I do not feel the Minister really addressed the question I raised earlier on. Does she accept that the way forward if the Deputy Police Chief is concerned with any matter in relation to firearms that he should go back to the Connétable concerned and raise the issue with him? As far as I am aware, having discussed with my fellow Connétables, that has never happened. Now rather than go to the press I then went on to say, does she accept that it is duty of the Deputy Chief Officer to ensure that such situations are properly addressed as and when they arise and rather than being dealt with through the media in some general way, which has happened on this occasion?

Senator W. Kinnard:

Yes, Sir.

3.11.7 The Deputy of St. Peter:

Would the Minister agree that in this instance, although it is in the right of the Police Chief to make a comment through the press, he would have been better had the Home Affairs Ministry been consulted before we got ourselves in this awful mess?

Senator W. Kinnard:

The only thing I would say in defence of that is that it was an unfolding situation that, I think, information was released, the article appeared more quickly than was anticipated and that obviously it would be ideal with a sensitive issue that I had had more information prior to the information going into the public domain but, as I say, these things are sometimes difficult, as indeed they were under the Committee system. It is not always possible and practical to notify Members in advance of the media actually asking a series of questions to which they already know the answers very often.

3.11.8 Deputy G.C.L. Baudains:

In the interest of efficiency I consider it probably best if I withdraw the following question and I would just have a supplementary if I may, Sir, to Deputy Ferguson's question? I am concerned because clearly most of the recent front page articles in the *JEP (Jersey Evening Post)* on firearms we now realise are grossly inaccurate. Would the Minister agree to find out whether this was a result of journalistic over-exuberance and lack of research or whether it was, in fact, incorrect information supplied by the States Police? Because, in my view, if it was the latter it should surely be a disciplinary matter. It seems to me that by creating public alarm based on inaccurate information it is not something that the Minister should simply allow to continue.

Senator W. Kinnard:

I have reviewed the email exchanges already between the Deputy Chief Officer and the journalist concerned and I do believe that my Assistant Minister has also written to States Members making it quite clear that some of the interpretations of the material have been what I would describe as inaccurate, but I do not consider looking at the email correspondence that the inaccuracies are due to information that was provided by States of Jersey Police.

3.11.9 The Deputy of St. Martin:

Could the Minister inform the House whether the States Police still employ a press liaison officer and was that press liaison officer present when the Deputy Chief Officer gave the interview, and if he or she was not there maybe the press liaison officer would be present when such interviews are carried out in future?

Senator W. Kinnard:

I believe, although I have not had it confirmed, that the press liaison officer was not involved, mainly because this was an ongoing email exchange. But clearly in the light of - as I have already described - the development of the States of Jersey Communications Unit and obviously the fact that the States of Jersey Police do have a press officer, and in the light of these events, of course I am undertaking a review of exactly how these matters are dealt with.

3.11.10 Deputy J.A.N. Le Fondré of St. Lawrence:

I think my question has already been answered but for clarification, is the Minister satisfied as to the accuracy of the information released by the Police and its interpretation by the *Jersey Evening Post*?

Senator W. Kinnard:

That is a double-edged question. I am satisfied as to the accuracy of the information that was given by States of Jersey Police but I am not satisfied as to the accuracy of the material that appeared in the newspaper.

3.11.11 Deputy K.C. Lewis of St. Saviour:

I have quite an unusual hobby, Sir. I like to restore old vehicles, namely old military vehicles. In fact I am a member of the Jersey Military Vehicle club. Some of the members for authenticity actually have very large, old machine guns on board their vehicles. I am not an expert but I have examined them and to the very best of my knowledge they are, in fact, deactivated.

The Bailiff:

Deputy, this is not speech time, this is question time. You must stick succinctly to your question.

Deputy K.C. Lewis:

The only way anyone will harm themselves is if they drop them on their foot. My question is, does the Minister not believe that the Firearms Law 2000 with very minor amendments is perfectly adequate?

Senator W. Kinnard:

This issue of machine guns is quite an interesting one, and I think if Members wish to refer to the written question of Deputy Baudains, Members will see a very long explanation of, I think, how the misinterpretation of different forms of machine guns and high-velocity weapons and so on got, if you like, confused by those of us who are not experts in this area. But I would agree those machine guns that are in the Island are indeed deactivated. In fact, although the photograph that appeared in the *JEP* seemed to give the impression of certain types of guns, they were not necessarily the ones that were the subject of our concerns in that exchange. Sorry, I have lost my thread, could I ask the Deputy just to remind me of the second part of the question?

The Bailiff:

I think you have answered the question, Minister. Two more supplementaries.

3.11.12 Senator J.L. Perchard:

Will the Minister make available the email communications between the States of Jersey Police and the *JEP* over this issue?

Senator W. Kinnard:

I hesitate to do that without getting advice before doing so and then considering them. If that is a request that is made by the Senator, and he intends to pursue it, I would like perhaps to have that request in writing and I will take the necessary advice.

3.11.13 Deputy S.C. Ferguson:

I think the answer to the last question underlines my concerns. The Minister said that she will have to take advice as to whether to release emails for a department for which she is responsible and for which she is accountable. I am still concerned that the whole way this has been conducted raises into question the accountability of departments to their Ministers. Does the Minister not consider that that question should be reviewed?

Senator W. Kinnard:

The issue about advice was purely and simply to advise in terms of in releasing it am I not going to fall foul of the Data Protection Law? Am I not going to fall foul of Freedom of Information codes and so on? Just to ensure that in releasing these matters that... I cannot imagine that I would in any way seek to withhold anything that should be in the public domain. But I, obviously, in this kind of situation have to ensure that there is a third party involved which is the *Jersey Evening Post* and I would have to make sure, I think, that we were doing things quite legally. In terms of accountability that is the only issue, as I say, that I am concerned about. If I get the go-ahead with that then obviously it will be up to me to decide whether or not the information is released. In terms of reporting or accountability within the department, Members should also be aware that in Home Affairs we have a slightly different situation in that I do have a Chief Officer of Home Affairs but I also have the Chief of Police who, in fact, reports directly to the Chief Executive. So we do have a slightly different situation and that is, in part, historical and does in fact cause from time to time a few difficulties.

3.11.14 Deputy S.C. Ferguson:

I am sorry to intrude on the Assembly, but the comment that the Chief Officer reports to the Chief Executive Officer of the States, perhaps the Minister would like to confirm that in writing and carefully with exactly what responsibilities the Chief of Police where he is required to report to the Chief Officer of the States, because it is my understanding that the Chief of Police reports to the Minister?

Senator W. Kinnard:

There is actually a departmental plan which I am more than happy to share with Members which explains exactly where we are responsible in the Home Affairs in terms of budgetary issues and so on, and where in fact it is the matter of a different scenario. There are 2 members who sit on the Corporate Management Board, both the Chief Officer of Home Affairs and the Chief of Police because it was felt at the time that the structure was developed that law and order was of such significance and importance to the Island that the Chief of Police should have a seat of his own on the Corporate Management Board, but I am more happy to share that information with Members.

The Bailiff:

Is this a point of clarification?

3.11.15 Senator J.L. Perchard (point of clarification):

Actually it is Sir, I think. The Minister declined to forward the email communications between the States of Jersey Police and the *Jersey Evening Post* for reasons that she laid out, but the communication from the States of Jersey Police to the *JEP*, and not the other way, Sir, is in the public domain by nature and will she release that?

Senator W. Kinnard:

It is not necessarily so. I would have to go through it to work out what is already the public domain and what is not. I wonder what the value of having one side of a conversation released without having the other side. Let me make it absolutely clear, I did not decline to release it. What I said was, I would want to check that in releasing it - if the Deputy wishes to see it or other Members wish to see it - that I am not causing any sort of difficulties for any third party in this matter.

3.11.16 Deputy P.N. Troy of St. Brelade:

Can I ask that this line of questioning continues because the Minister has brought forward a new piece of information to the Assembly regarding the reporting of the Police Chief and I think it is quite important that we explore that further because there is an issue here as to the Chief of Police reporting to a civil servant rather than the Minister?

The Bailiff:

I think the Minister needs advice on this, Deputy, and I do not think it will be profitable for it to be examined any more at this stage. It certainly can be raised later on. The Minister has given the Assembly what information she can. I think, frankly, she needs some advice before being definitive on the...

Deputy P.N. Troy:

Who from, Sir? The Chief of Police or the Chief Executive? **[Laughter]**

Senator W. Kinnard:

It is actually an unusual situation but in fact this matter is in the public domain. Certainly at the time the Minister...

The Bailiff:

Minister, I am sorry. I had drawn the period of supplementary questioning on this question to an end, and I remind Deputy Troy that the Minister of Home Affairs is subject to questioning without notice in due course. So we come to the next question, which is of Senator Syvret of the Minister for Home Affairs.