

4. Questions to Ministers Without Notice - The Chief Minister

4.1 Deputy P.J.D. Ryan of St. Helier:

Would the Chief Minister be prepared to consider extending by 2 months the current consultation period for the 2035 migration debate on the funding of the ageing population, bearing in mind that he is unable to meet my Scrutiny Panel to discuss it until February 2008?

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

I will certainly consider that and I would be more than prepared to sit down with Deputy Ryan to discuss it. I doubt that there is a particular problem in this respect other than, of course, it will cause delay to any necessary implementation, but I will gladly talk to the Deputy on that matter.

4.2 Senator S. Syvret:

Would the Chief Minister give the Assembly an undertaking that any person remunerated from public funds who is shown to have committed child abuse, failed to prevent child abuse and in a position to do so, failed to report instances of child abuse, helped to conceal instances of child abuse or failed to ensure that any person in the above categories received appropriate punishment, will be dismissed?

Senator F.H. Walker:

If any such allegations are to be, or were to be, substantiated, appropriate disciplinary action would indeed and, of course, be taken but that disciplinary action would depend on the scale of the offence and the circumstances of the case. Dismissal would most certainly apply in cases of proven gross misconduct.

4.3 Senator T.J. Le Main:

Can the Chief Minister advise this Assembly that if it is found that any States Member has been found to be even remotely involved with any kind of bad behaviour or abuse of their position of trust with children or young people, will he bring a proposition to the States to have he or she dismissed?

Senator F.H. Walker:

I do not believe that is a matter for the Chief Minister. That is much more a matter for the Privileges and Procedures Committee.

4.4 Deputy S. Power:

I draw the Chief Minister's attention to the recent document, Image Jersey 2035. A large part of this document is to deal with the population of the Island ageing and changing. The number of elderly people is growing fast and there are a fewer number of people of working age. Would the Chief Minister agree with me that the emphasis in the document is very much cost and accountancy and there is a perception among those who are elderly on the Island that they are a problem and that this document does not give them credit for the number of years they have worked on the Island and the amount of taxes that they have paid? There is a perception among the elderly that this is a hard document on them.

Senator F.H. Walker:

It is most certainly not intended to be a hard document on them, anything but. It is though a factual document which does outline the projected changes in our population profile which, in our view, are absolutely inescapable. We do, I think, take care of our elderly very well in other respects and the free prescriptions recently announced is a very good example of that. The elderly are in no way a problem, but the underlying position is that inevitably elderly people require more care, generally speaking, than do younger people and tend not to contribute to tax revenues to the extent that younger people do. Now, that is a fact which we have to be aware of, which we have to address and that's what we are doing, but I would be very regretful if any

elderly person in Jersey thought this was in any way an attack on them, a slight on them, a suggestion that they are a problem, or a suggestion that they are not very welcome members of our society, because they most certainly are.

4.5 Senator S. Syvret:

In the event that any person remunerated from public funds is referred to the States Employment Board for disciplinary reasons related to child abuse, could the Chief Minister inform the Assembly what definitions of child abuse will be used by the board in determining whether any disciplinary offence has been committed?

Senator F.H. Walker:

The Solicitor General has confirmed to me that there is no legal definition of child abuse. As such, in the event of any possible disciplinary actions, then these must and will be dealt with according to the States disciplinary proceedings.

4.5.1 Senator S. Syvret:

Does the Chief Minister acknowledge that many respected national organisations working in this sphere of child protection do in fact publish definitions and guidance? While these may not be in our legislation, nevertheless guidance is available for professionals working in the field.

Senator F.H. Walker:

That may be true, I have not seen it, but I wonder if the Senator is aware of *Children: The Modern Law* where it says that the area of greatest difficulty in recent years, i.e. to define, is child abuse.

4.5.2 Senator S. Syvret:

I was aware of that but I am simply seeking from the Senator, rather than these evasions, a simple declaration that he will regard such actions as mental cruelty, psychological cruelty, the infliction of psychological harm, neglect, failure to educate properly, things of that nature, does he accept that these are included within the definition of child abuse?

Senator F.H. Walker:

They very well can be, and if it is shown that any allegation against any individual employed from public funds is maintained, and withheld, and is proven, then any such definitions could be taken into account. The position will, of course, depend on individual circumstances and on the particular charge laid at any particular time.

4.6 Deputy G.P. Southern:

Are there any particular or specific reasons, economic or otherwise, which dictate the original timescale for the imagined Jersey to 2035 consultation process?

Senator F.H. Walker:

Not particularly, Sir, and I think this really goes back to the question put to me by Deputy Ryan.

4.7 Deputy R.G. Le Hérissier:

In respect of child abuse allegations, would the Chief Minister say whether a mechanism exists, either within or without the Williamson Inquiry to deal with politicians who may have been found wanting in their pursuance of these particular matters?

Senator F.H. Walker:

I understood the question to relate to politicians only, so I repeat that the Chief Minister has no powers to deal with politicians. That is something, if it sits anywhere, sits with the Privileges

and Procedures Committee. I have no powers to deal with Members of this Assembly whatsoever.

4.8 The Deputy of St. John:

I would like to draw the attention of the Chief Minister to an article that was published in the *Sunday Times* this Sunday. America has told Britain that it can kidnap British citizens if they are wanted for crimes in the United States. A senior lawyer from the American Government has told the Court of Appeal in London that kidnapping foreign citizens is permissible under American law because the U.S. Supreme Court has sanctioned it. The admission has alarmed, of course, local business people. **[Laughter]** The extradition issue, as people will know, has been a hot topic in recent times.

Senator S. Syvret:

It is so rare to hear the truth spoken in this Assembly.

The Deputy of St. John:

Is the Chief Minister concerned about this? Does he believe it is acceptable that the U.S. Government should have this somewhat one-sided agreement with the U.K. and would the Chief Minister be prepared to take this matter up with the Ministry of Justice?

Senator F.H. Walker:

I understand the Deputy's concern. I saw the same article myself and I have to say I think it is unbelievable that an allegedly civilised, democratic state, such as the U.S.A., believes that kidnapping is an appropriate way of going about their legal business, and it certainly is something that I would wish to discuss with the Attorney General. However, we should not necessarily jump to the conclusion that this is official U.S. Government policy. This was the opinion of a lawyer, as I understand it, but I certainly will be taking it up with the Attorney General in the very near future.

The Deputy of St. John:

If I could just clarify something for the Chief Minister. The American Government has, for the first time, made it clear in a British court that this is their legislation; they are permitted to do that.

Senator F.H. Walker:

I am not sure about that. That is not necessarily the interpretation I would put upon the article, but I have already said to the Deputy I will be taking this up further and indeed I shall.

4.9 Deputy G.P. Southern:

In discussions of the Millennium Town Park project, can the Minister clarify how much has been allocated to fund the town park currently and from where these funds are coming and when those funds will be delivered.

Senator F.H. Walker:

I think the Deputy full well knows the answer to his own question, but nevertheless the Deputy is, I am sure, aware, or he should be as the Deputy of St. Helier for that part of St. Helier, that over £4 million is available through the now somewhat historic Millennium Fund. He should also be aware that the cost of decontamination is very considerably higher than was originally anticipated, but that is now a fact of life, and he will be aware of the statement, the commitment made by the Council of Ministers last week, which Deputy Hilton put into the public arena, that the money will be found in 2010 and 2011, subject to the express wishes of this House, of course, to fund the entire town park, including all the remediation work.

Deputy G.P. Southern:

Where will that money be coming from?

Senator F.H. Walker:

Subject to the wishes of this House, my guess is that it will come, and the proposal I believe, will be that it will come from the capital programme.

4.10 Deputy S.C. Ferguson:

Given that by 2010/2011, we shall be heading into a structural deficit position, how can the Chief Minister justify that this money will be available?

Senator F.H. Walker:

I said it would come from the capital programme. I did not say it would add to the capital programme. There is of course a significant difference and I would remind the Deputy that the structural deficit that our forecast suggested we would be faced with in 2010 and 2011, although still existing, is very much smaller, very much smaller, than it looked a year ago because the economic development policies have been so successful. I anticipate more of the same in enabling us to deal with the structural deficit as and when it materialises, but I would re-emphasise the Council of Minister's commitment to the point that there will not be a structural deficit.

4.11 Deputy G.P. Southern:

The progress in the Millennium Town Park project will depend upon the provision of sufficient car parking spaces in the environs. What consultation has taken place with the residents in No. 2 and 1 districts of St. Helier over the proposal to build a car park on Ann Place?

Senator F.H. Walker:

I am not aware that any consultation has taken place, but I would accept the thrust behind the Deputy's question that it should. Nevertheless, I think the Deputy would also have to agree that if we need a town park, and I assume that as the Deputy of St. Helier No. 2 he fully supports that, then we have to find alternative parking provision in that part of town. Wherever it goes, there will be neighbours affected. Consultation is important, but at the end of the day we have got to make sure that we do provide the park, we do provide the parking, and we do so in the most acceptable way. I believe that the current plan, as it stands on the table, does just that.

4.12 Deputy J.A. Martin:

Could the Chief Minister inform us why, after what he has just said, the town park and the alternative parking have already been, let us say, discussed to the point of consultation as to design and we do not yet have ... could he not push his Minister for Transport and Technical Services to bring together a transport policy for the whole of the Island, especially St. Helier, before we decide on exactly if, where and when we need more parking. There may be other solutions and, as Chief Minister, I think it is his job to co-ordinate his Ministers correctly.

Senator F.H. Walker:

I absolutely agree and so no problem at all that the Transport and Technical Services Minister will be bringing forward a fully co-ordinated transportation plan some time before final decisions have to be taken on the size, the design or whatever it may be, of the proposed new car park.

4.13 Deputy R.G. Le Hérissier:

Building on my earlier question, would the Chief Minister confirm whether or not Mr. Williamson, or anyone else investigating has, as part of their remit, to discover whether the political system failed as well as the administrative system in respect of child protection?

Senator F.H. Walker:

I am sure that Mr. Williamson will be reporting on where the political system has failed. The question the Deputy asked me earlier is what action I would take against politicians on the back of it, and I have no powers to do that. I would certainly use every power at my disposal to ensure that any such recommendations - well, I would not need to in fact because Mr. Williamson would do it himself - that any politician exposed for misconduct of any form in this respect, that that would be fully publicly aired and I would assume fully and very aggressively, if that is the right word, followed up in the appropriate way.

The Bailiff:

That concludes the second question period.