

3. Questions to Ministers without Notice - The Minister for Home Affairs

The Deputy Bailiff:

We come to Questions without Notice. The first question period is of the Minister for Home Affairs by the Deputy of St. Martin.

3.1 The Deputy of St. Martin:

May I ask the Minister; my question was asking what steps the Minister had taken to heal the rift? Will the Minister inform the House whether she has visited Customs and the officers to try to heal the rift and, if she has not, why has she not?

Senator W. Kinnard (The Minister for Home Affairs):

I would be delighted to answer that. I think if he listened to the beginning of my answer, I said that, in fact, yesterday, I was with Customs and Immigration staff having the opportunity to have a full and frank exchange with them. Indeed, I have personally been involved with meetings with the Attorney General, the States Chief Executive, the Chief Officer of Home Affairs, the Head of Customs and the Chief of Police regarding this issue. The matter has been complicated by the fact that I am Minister for both enforcement departments and, indeed, the main interface with the Police. That is why it was agreed at the start that the Assistant Minister, who has delegated responsibility for Customs, should provide any necessary support until the appropriate time and, having now had the benefit of discussions with the Attorney General, the time is now apposite and I have proposed a plan with 3 parts - an action plan. The first part is the personal involvement of the Attorney General and the States Chief Executive in putting arrangements in place which will repair relationships between Customs and States of Jersey Police cascaded down through appropriate levels of staff, and I have been involved in developing this process with the agreement and participation of senior officers from both Customs and States of Jersey Police, a number of joint meetings between officers involved in operations on detailed tactical issues in the investigation of drug trafficking. Thirdly, the approval of a memorandum of procedure spanning how any future investigations should be undertaken, so that it will be clear to both sides that standard procedures are being adopted. In addition, Sir, I have recently been involved in appointing the new Deputy Chief Officer of Police and part of his remit, when he arrives in 4 months' time, will be to ensure that any external professional relationships are maximised and improved upon if necessary. Thank you, Sir. That is the answer to the specific question I think he asked me.

3.2 Deputy S. Power:

My question is indirectly related to my earlier oral question with notice. The Minister will be aware of the story in the *Jersey Evening Post* on 18th April stating that the murder inquiry relating to the bone fragment had been dropped. Does the Minister concede or can the Minister confirm that the fragment of bone that was discovered was in Victorian brickwork near to a penny dated 1851 and that it predates the inquiry to current child abuse?

Senator W. Kinnard:

I think it is very important that Members are aware that what might be reported in press reports, particularly those from outside the Island, may not be what was necessarily said at the time. I do not wish to be drawn on the details of this matter. This is still a live inquiry and I cannot say this too often. If I start to get drawn on specifics, then we do not know where that might lead, and I do not wish to be difficult but I think Members must wait until the appropriate time. This, even today, is an ongoing live inquiry.

3.3 Deputy S.C. Ferguson:

Meanwhile, in relation to the question by the Deputy of St. Martin, what about the Financial Crimes Unit? When will this be re-manned by Customs as well as Police and be working properly again?

Senator W. Kinnard:

I think the Deputy is mistaken. The Financial Crimes Unit has been working all along and continues to do so.

3.4 Deputy R.G. Le Hérissier:

Would the Minister confirm whether or not she has been involved in the campaign running in the local press at the moment to obtain more Customs' staff and, if she has not been involved, what advice is she giving to the Customs unit in order to move this campaign forward?

Senator W. Kinnard:

I am not aware of any such campaign. All I am aware of is that Customs does have great difficulty with resources and this is quite well known. It is made quite clear in the draft Business Plan that Customs staff have been under pressure for some time and that we require another £650,000 and 6 officers to ensure our frontier teams are up to strength. That is in the public domain and has been in the public domain for some time.

3.5 Deputy C.J. Scott Warren:

I am leading on from the following question. Does the Minister agree that the insufficient funding for Customs Officers is ultimately going to lead to a higher cost being needed for the department, for instance, where more funding for the prison regarding offences committed, with importation of drugs, and does she agree that it will even mean, more importantly, a higher cost being paid by Jersey society?

Senator W. Kinnard:

I am very concerned, of course, about the lack of resilience we have in our frontier teams, and it does mean that there are potential risks to our community, some of which will involve drug trafficking, some of which will involve goods coming into the Island where duty should be paid and where those duties are missed where prohibited goods come into the Island. So I do have concerns that in the longer term, this will lead to, if you like, detrimental results in the community.

3.6 Deputy C.H. Egré of St. Peter:

As a result of communications with several members of my Parish about apparent failures within the police complaints system, does the Minister believe it is the responsibility of the Jersey Police Complaints Authority to update complainants on the progress of their complaint?

Senator W. Kinnard:

I have not been made aware of any such complaints and if the Deputy would like to pass them on to me, I am more than happy to discuss them with the chairman of the Complaints Authority. Generally, I am aware that he does update individuals but if there has been some reason why that has not happened, I would be most happy to take it up with the chairman and I am sure he will assist with everything he can.

3.7 Deputy K.C. Lewis:

Further to my recent question regarding under-age drinking, what progress has the Minister made in consultation with the Minister for Economic Development in toughening up legislation against people selling or supplying alcohol to minors?

Senator W. Kinnard:

This is very much an ongoing matter that is being discussed. My Assistant Minister does, in fact, sit with the Economic Development Licensing Group and they are looking at tougher enforcement measures in terms of off-licenses selling alcohol to younger people, and also looking at other powers which might go to the Constables, in consultation with the Constables, in

terms of having alcohol-free zones. So this work is very much ongoing and I know that there is a will to bring this to the States as quickly as possibly but that is really where we are with it.

3.8 The Deputy of St. Martin:

In P.61 of 2008 - just lodged the other day - the Draft Marriage and Civil Status (Amendment) (Jersey) Law, the Minister states that the draft law is compatible with human rights. Would the Minister agree that as the mother can only pass on to her child her maiden name but not her actual surname, is an unnecessary limitation and, therefore, is not compatible with human rights?

Senator W. Kinnard:

This specific point has been reviewed and it is compatible with human rights and what I would say, Sir, is that this matter is down for debate and I am aware that one other Member may well amend it, so that the States can have the wider debate if they wish to. But what I would say, Sir, is that, in fact, the U.K. is at one end of a continuum because there are many countries with restrictions of some form or another; Switzerland, Spain, Ireland, Guernsey, Austria, Germany and Holland all have some form of restriction and, indeed, what my law does do is enable those parents who wish to either use the mother's maiden name or the father's name or indeed, a combination of 2 in whichever order, the law will now allow that flexibility.

3.9 Deputy S. Pitman:

Will the Minister endeavour to provide Members with the information on the qualifications and experience of each individual member of the group overlooking the child abuse investigation and will she also inform Members who appointed these individuals?

Senator W. Kinnard:

I would need notification of that question. Can I check as well which group the Deputy is referring to? Is she referring to the I.A.G. (Independent Adviser Group) group, the independent community group? Yes, she is. I will endeavour to provide that information later today.

3.10 Deputy D.W. Mezbourian:

Existing legislation effectively allowed a user pays charge to be levied for the mutual aid policing at Jersey Live 2007. If there is a Jersey Live 2008 and the cost of policing needs to be financed, will the Minister use the same legislation again this year to charge a user pays charge?

Senator W. Kinnard:

I was unable to attend the meeting last week due to illness, so my Assistant Minister attended on my behalf, for which I am very grateful, and there was a meeting between the organisers of Jersey Live and the Chief Minister, and my Assistant Minister attended. They have made agreement about how Jersey Live is going to be run this year and indeed, how it is going to be afforded. I do not have the precise details, I have to say, sorry about that because I am just returning to work from illness, but all I would say is that there is agreement that has been reached with the organisers.

3.10.1 Deputy D.W. Mezbourian:

May I have a follow-up question to that, please? I asked the Minister whether she would intend to use the legislation that is in place at the moment to levy a charge and I do not believe she has answered that question.

Senator W. Kinnard:

I will happily come back to the Deputy later when I have had the opportunity to receive a full brief. As I say, I am just returning to work from illness and I have not had an opportunity to share that with my Assistant Minister, but I am more than happy to provide that information later.

3.11 Deputy R.G. Le Hérissier:

We have just seen the annual report of the Prison Board of Visitors. Would the Minister confirm that in her view the role of the Board is totally comparable to the role of an independent monitoring agency and should not be compared to the role of a board of directors?

Senator W. Kinnard:

I am not sure I understand the question, Sir. He has one on me there.

Deputy R.G. Le Hérissier:

Could the Minister clarify whether the Board of Visitors plays in all material respects the role of a proper independent monitoring agency?

Senator W. Kinnard:

The Board of Visitors provides an independent monitoring agency.

3.12 Deputy S.C. Ferguson:

From time to time, we have discussed the concept of a police authority. Does the Minister not think that it is more than ever necessary to bring in the legislation for an independent police authority?

Senator W. Kinnard:

The legislation within which the Police Authority lies is the Police Force Law and that, Sir, is in a very advanced stage. I am awaiting some further advice from the Attorney General and it is that piece of legislation that will be bringing into existence the Police Authority and indeed, Sir, we are already looking at how we might be beginning to set it up assuming, at some point, that the States approves it.

3.13 Deputy J.A. Hilton:

The Chief Officer is reporting that due to current staff shortages there was a 37 per cent reduction compared to the same period in 2007 of check-in passengers passing through Jersey ports. Is the Minister able to tell us whether this is a temporary shortage or permanent and, if permanent, what steps she is going to take to fulfil Jersey's international and national security obligations?

Senator W. Kinnard:

I would see this as very much a temporary matter in the sense that we are, of course, stretched. I think Members have been made aware of the extra strains that are on States of Jersey Police in all areas of work at the moment as a result of the abuse inquiry and other matters. We are due, of course, to have new recruits coming into the force and they will bring the force more or less back up to strength, and that will mean that we will have the ability to fulfil those obligations more efficiently and effectively than perhaps we can at present at all times.