

6. Questions to Ministers Without Notice - The Chief Minister

6.1 The Deputy of St. John:

I will go back to my earlier question, if I may. Could the Chief Minister give me the reaction of the Migration Advisory Group and the Minister for Housing with regard to an application for a (j) category U.K. appointment at T.T.S.?

Senator T.A. Le Sueur (The Chief Minister):

I have absolute confidence that the Migration Advisory Group will look at any application for a (j) category licence and field it on its merits. I believe they will do that with this application just as with any other.

The Deputy Bailiff:

Do you wish to ask a follow-up question?

The Deputy of St. John:

Yes, I also asked about what the views were of the Minister for Housing?

Senator T.J. Le Main:

No idea. [Laughter]

Senator T.A. Le Sueur:

I am not going to speak for the Minister for Housing. He is capable of speaking for himself. My view is that I have confidence in the Migration Advisory Group.

The Deputy of St. John:

At the end of the day the question is to the Chief Minister and he should find out what his fellow Ministers are thinking on this. I would expect the answer to come from the Chief Minister, not to have to put the Minister for Housing on the spot. It is not him that has taken on this role.

Senator T.J. Le Main:

I am quite happy to answer that.

The Deputy Bailiff:

No, no. This question is for the Chief Minister.

Senator T.A. Le Sueur:

This is a question for the Migration Advisory Group of which the Minister for Housing is one member. It is the Group which comes to a decision and the Minister for Housing would no doubt put his input, I believe, forcefully at the group meeting and discusses it. At the end of the day if I have any doubts as to the ability of that group then I will certainly raise them but I have none.

6.2 Deputy R.G. Le Hérisier:

With the planning application to remove the caretaker's office from Cyril Le Marquand House in order to accommodate more civil servants in the Chief Minister's Department, would the Chief Minister tell us who are these people who need that extra accommodation and whether this is part of his cutback campaign?

Senator T.A. Le Sueur:

If they were to accommodate more civil servants I would have more sympathy with the question. What we are trying to do is to run the central organisation of the States in a more efficient manner. What I am seeking to achieve is to bring into Cyril Le Marquand House the senior management of the Economic Development Department, who are currently run and operate from

a different building, so that we can have that department, the Treasury and the Chief Minister's Department all under the one roof. I believe that that will lead to improved decision making, swifter decision making and more joined-up thinking. That is the reason why this is being done and it will free up other accommodation elsewhere which we are in no doubt paying rent, which we no longer require.

Deputy R.G. Le Hérisier:

Can I follow that up? Therefore, will the States have to pay for an item or unit of accommodation for the caretaker now we are removing one unit out of the Island's housing stock and, secondly, has he got a firm promise that the very dispersed empire of Economic Development will indeed be reduced by that particular building being rented out or being sent back to the private sector?

Senator T.A. Le Sueur:

Firstly, that accommodation has not been occupied by a caretaker for some time now. It has been vacant accommodation serving no useful purpose so it is a good use of empty space. As for the Economic Development Department and any other departments' use of office space, we will be considering shortly an office development strategy as part of the overall property strategy. The Economic Development Department I know is committed, as I am committed and the Minister for Treasury and Resources is committed to making sure that we make the best use of States property assets including office accommodation. It is my intention, and I am sure their intention, to ensure that that accommodation is rationalised and brought together as soon as the leases permit.

6.3 Deputy G.P. Southern:

How seriously does the Chief Minister take the warning from the U.K. Prime Minister that attention will, henceforth, be directed to matters of tax avoidance rather than merely tax evasion by H.M. Treasury and the O.E.C.D. (Organisation for Economic Co-operation and Development) authorities?

Senator T.A. Le Sueur:

I take it very seriously indeed because I think it indicates to me the acknowledgement by the U.K. Prime Minister of the valuable contribution which Jersey has made among the Crown Dependencies generally in promoting the ideas of greater fiscal transparency and greater co-operation among other nations. We believe that the example that Jersey has demonstrated is being used now by Gordon Brown as a spur to maintain and develop that impetus and we are happy to continue to work alongside the U.K. Government in order to achieve that.

Deputy G.P. Southern:

Does the Chief Minister accept that the signing of a number of T.I.E.A.s (Tax Information Exchange Agreements) will no longer be sufficient to keep Jersey on the so-called 'white list' and when does he propose to engage with the U.K. Government over, what he calls, fiscal transparency?

Senator T.A. Le Sueur:

The signing of agreements is one demonstration of Jersey's commitment to ongoing global co-operation. By itself that is not necessarily sufficient but it does, I think, indicate that Jersey is showing a lead, is showing a good example, and is in the forefront of developing that particular line of approach. I think as that line of approach gets followed by other countries, as no doubt it will, it will lead to standards around the world generally being raised thanks to the impetus shown by Jersey. Will that be enough in the future? No, of course it will not and that is why we continue to work with the U.K. authorities. The Deputy asked: "When will it start?" I had discussions the week before last with Lord Bach, the U.K. Under-Secretary. Today we are

meeting, as the Minister for Treasury and Resources said, with Mr. Michael Foot and the team are looking at that and we are continually working to ensure that Jersey continues to demonstrate the highest standards of probity, the highest standards of co-operation and to transparency.

6.4 Deputy J.A. Hilton:

Last week, after reading the proposition that was lodged by Deputy Le Claire on Family X, I emailed the Chief Minister and the Council of Ministers requesting that the funding be found to provide the care that is so desperately needed for these children. There has been a lot of correspondence circulating in the past 3 or 4 days, I want to know if the Chief Minister has had an opportunity to read the correspondence in the papers behind this case and whether he has formed an opinion on the matter and, if so, what is that opinion?

Senator T.A. Le Sueur:

I have read the papers and I have formed an opinion. At this stage it is not a fully informed opinion. I would like to have more background information particularly from the Health Department and from the former Minister for Health and Social Services. Like all such issues there are 2 sides to a story and I want to make sure I get the full picture before I jump to conclusions.

6.5 Deputy M. Tadier:

Does the Chief Minister agree with the Pope's decision to honour John Christensen of the Tax Justice Network by awarding him the medal of Iustitia et Pax, Justice and Peace? [Laughter]

Senator T.A. Le Sueur:

Certainly I am happy that the Pope is capable of making up his own mind in choosing to whom he awards and whichever awards he chooses to do so. I am not going to try to influence his decision and certainly I have little comment to add to that particular question.

Deputy M. Tadier:

Am I really to believe that the Pope did not consult the Chief Minister before choosing the award? [Laughter]

6.6 Deputy J.M. Maçon:

Given the answer from the Minister for Economic Development, how did the Council of Ministers reach the decision to release funds regarding the Alternate Insurance Services Limited when there is no Jersey statute to do so and what precedent does this set?

Senator T.A. Le Sueur:

The question of the investors in Alternate is one which caused the Council of Ministers considerable discussion but we did have to take a guidance from clear directions in respect of court proceedings in respect of that case which highlighted certain deficiencies which were pointed at the Government to put right. We felt a moral obligation to listen to that legal advice and legal comments from the judge concerned and implemented the position. On that basis we felt that it was the appropriate decision to make to deal with the genuine plight of people who, in this particular instance, were not sophisticated investors but typically what one might call widows and orphans.

Deputy J.M Maçon:

Will the Chief Minister, therefore, bring proper legislation to have this in place instead of going on a moral code?

Senator T.A. Le Sueur:

Yes, we have already had discussions about the way in which some sort of investor compensation scheme might be brought in but I would point out to the Deputy that the origins of this case go back to 2001 since which time our regulatory standards have improved tremendously, and I have every confidence that occurrences such as that will be very rare, hopefully non-existent, in the future. This is only one case that we have ever had in the Island. I hope it will not only be the first but the last.

6.7 Deputy D.J. De Sousa:

How can the Chief Minister and the Council of Ministers justify making a decision for this amount of money when we had to bring propositions to the House and the indignity of the Woolworths' workers, the Pound World workers [**Approbation**] and you can make a decision for £600,000?

Senator T.A Le Sueur:

Decisions are never easy to take. In this case we took the decision on the basis that it was one virtually recommended to us by the courts but also because we were confident this was a one-off occasion unlike situations of redundancy payments where there may have been a number of them and also that, in this particular case, there was no other remedy available.

6.8 Deputy A.K.F. Green:

In a similar vein, if we can find or the Council of Ministers can find £600,000 to compensate the investors, why are we putting Family X through the indignity of a debate in the House [**Approbation**] when the Council of Ministers quite easily see the need for this and make that decision?

Senator T.A. Le Sueur:

I hope that the decision we make in respect of Family X, and any other kind of families in that situation, will be done on the basis of the best needs for their family and not simply on economic financial grounds.

6.9 Deputy G.P. Southern:

Could the Chief Minister inform Members what section of the Public Finances (Jersey) Law 2005 allows Ministers to dispense such sums of £600,000 and Accounting Officers to okay that on the grounds of morality and not law?

Senator T.A. Le Sueur:

The Minister for Economic Development, like all Ministers, has a budget within which he works and providing he works within that budget and applies reasonable principle he is free to spend that money in what I consider to be a very appropriate way for those particular unfortunate individuals.

Deputy G.P. Southern:

Again, I would ask the Chief Minister to inform Members what section of the Public Finances Law Law, which I thought contained more rigour than appears to be the case, allows that dispensation?

Senator T.A. Le Sueur:

I appreciate the Deputy's question. Unfortunately, I do not have a copy of the Public Finances Law in front of me. I would probably be hard-pushed to find the right clause in the next 5 minutes but I am sure it can be achieved with a bit more time and research.

6.10 The Deputy of St. John:

Given the Chief Minister's reply, will he endeavour, by the close of business today, to inform the Members of this House what that Article is and what that law is, please?

Senator T.A. Le Sueur:

It all depends what other business we have to do during the course of the afternoon. I am about to make 2 further statements. I shall endeavour to find out as soon as possible but I suggest to the Deputy that if it can be achieved in the next 48 hours certainly and by the end of the week, if he is reasonably patient, I am sure that can be delivered.

The Deputy of St. John:

Yes, if the Chief Minister wants to be patient I would say by close of business tomorrow evening. We will be here.

Senator T.A. Le Sueur:

I gather that actions are in hand and it could be even sooner.

6.11 Senator B.E. Shenton:

Will the Chief Minister give an undertaking to produce a report to this House on the spending of the £600,000 giving full details? [**Approbation**]

Senator T.A. Le Sueur:

I fully appreciate the sentiment behind that question. Before doing so I should like to take legal advice to ensure that in doing so that would not create any complication in respect of the nature of the assessment made with the parties concerned. Subject to that, the answer would be yes.

The Deputy Bailiff:

Are there any other questions of the Chief Minister? Very well, we will call a close then to questions of the Chief Minister.