

8. Questions to Ministers Without Notice - The Chief Minister

The Bailiff:

We come now to questions without notice to the Chief Minister. Deputy Pitman.

8.1 Deputy T.M. Pitman:

Some 2 months ago the Chief Minister promised the Assembly that we would take the suspended Police Chief Officer's sworn affidavit seriously. Can he inform the Assembly whether he has interviewed and discussed with the St. Helier No. 1 Deputy, who is not Deputy Martin or myself, the contents of the conversation he claims to have overheard discussing the removal of the Police Chief Officer?

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

I am not aware that that is a sworn part of the affidavit. In any case, that is hearsay evidence. I have got no way of proving hearsay evidence one way or the other, so I am not taking further notice of it.

Deputy T.M. Pitman:

Sorry, I did not understand any of that, I am afraid, with due respect. I could not hear it.

Senator T.A. Le Sueur:

The answer was no. As hearsay, I am not prepared to take any serious notice of it.

8.1.1 Deputy T.M. Pitman:

I just wondered why anything that does not suit the purpose of proving the case, as it were, against the suspended Chief Police Officer is apparently hearsay or is not evidence? A sworn affidavit is evidence and it surely demands investigation, if nothing else, if we are to have any credibility.

Senator T.A. Le Sueur:

The question related to an alleged conversation being overheard between 2 former States Members. I have no knowledge of that allegation or of what might have been said. On that basis, I do not intend to pursue that particular line of inquiry.

8.2 The Deputy of St. John:

Will the Minister confirm or otherwise that the plans to reconstitute the Waterfront Enterprise Board are still going ahead, or have they been shelved?

Senator T.A. Le Sueur:

Plans for the States of Jersey Development Company are still going ahead. If the Deputy looks at the lavender sheets he will find it is down for 22nd June.

8.2.1 The Deputy of St. John:

That being the case, can the Minister explain why Orchard, the consultancy company, have been taken on by W.E.B. (Waterfront Enterprise Board) to do what - to report - given we may be closing this down or moving it across to a States department?

Senator T.A. Le Sueur:

I am not aware of what Orchard relates to. The consultants appointed by me to look into the States of Jersey Development Company are a company called DTZ, who are reporting to me. If the Deputy wants to inform me or advise me what Orchard are doing then I may be in a better position to answer him.

8.2.2 The Deputy of St. John:

On a point of interest, will the Minister not confirm that he is obviously not up to speed with what our States departments are doing if he does not know that we have employed Orchard?

Senator T.A. Le Sueur:

The Deputy says “we” have employed Orchard. Could he be more specific about who is employing Orchard because I am not aware that Orchard have anything to do with the States of Jersey Development Company?

8.3 The Deputy of St. Martin:

The Chief Minister is aware that P.22, which was the Draft Employment of States of Jersey Employees (Amendment No. 5) (Jersey) Regulations 201-, was due to debate today; it has been transferred over or deferred until 11th May. Will the Chief Minister inform Members why it has been deferred and is he liable to put an amendment to his proposition?

Senator T.A. Le Sueur:

Yes, there is a possibility that we would want to amend P.22. That was discussed at the Employment Board and the Council of Ministers last week. We are looking at that possibility very seriously. I say that because there is some concern about the future role of the States Employment Board that we need to address before this matter comes to the House.

8.4 The Connétable of St. Helier:

In his answer to questions on 23rd March on the subject of the destruction of the notes of the suspension of the Chief of Police, the Chief Minister said that all parties had seen the transcript before the typescript was created. Has the Minister been able to review his statement to the House, which I believe was misleading? Would he like to make a clarification or a correction?

Senator T.A. Le Sueur:

I am aware that the parties to that meeting were the Chief Executive, the former Minister for Home Affairs and the Chief of Police. I can certainly confirm that the Chief Executive and the former Minister for Home Affairs have seen and approved those notes. I am advised that a copy of the notes were sent to the Chief Officer of Police. He did not accept or has not signified one way or the other whether he accepts or rejects them.

8.4.1 The Connétable of St. Helier:

Could I just follow up on that. Could I urge the Chief Minister to check the audit trail about this? It is an important matter. Surely, if one is suspending a member of staff, the really important person one wants to agree the minutes of that suspension is a suspended member of staff. [Approval] There does seem to be some doubt in the Chief Minister’s mind about whether this had been achieved and should that not be done properly in future?

Senator T.A. Le Sueur:

I say this is rather irrelevant to the main proceedings which are being investigated by an independent reviewer on matters relating to the suspension procedure and no doubt in the course of that review he will want to satisfy himself that the procedures taken in respect of the notes of that meeting were properly dealt with.

8.5 The Deputy of Grouville:

Does the Chief Minister believe it is appropriate for one of his Ministers to withhold information being asked of him at a scrutiny hearing in favour of giving the information to the media first and does he feel this behaviour undermines Ministerial government and the scrutiny process?

Senator T.A. Le Sueur:

In general, my answer would be it would not be appropriate to withhold information to a scrutiny panel and present it to the media for no good reason. However, generalisations like that are difficult. If the Deputy was specific about a particular item of information which was withheld from a particular scrutiny panel and given to the media I would be in a better position to comment.

The Bailiff:

Do wish a supplementary, Deputy? No.

The Deputy of Grouville:

Not at this stage, no, thank you.

8.6 Deputy G.P. Southern:

Can the Chief Minister state how much money has been spent by Jersey Finance - and why - to commission a report into the impact of transfer pricing on developing country economies? Will he also inform Members the extent to which Jersey is involved in such activity?

Senator T.A. Le Sueur:

No, I cannot advise the Member how much has been spent by Jersey Finance on inquiring into transfer pricing. Transfer pricing is an issue which, as far as I am concerned, is very much yesterday's issue and I know it has been raised in some particular quarters that really the amount of transfer pricing going on in Jersey, as far as I am aware, is very minimal indeed.

8.6.1 Deputy G.P. Southern:

Will he then seek the answers to these questions from the relevant Minister and return to the House with the answers?

Senator T.A. Le Sueur:

Jersey Finance is an independent operation, admittedly funded by the States but they run their own procedures. I shall make the inquiries, but I will just point that out to the Member in case he thinks it is part of my remit.

8.7 The Deputy of St. Martin:

The Deputy of St. John and myself some time ago asked about the position of the Magistrate, who I gather was not suspended but was on something called gardening leave. Is the Minister in a position to update Members as to the position of the Magistrate? Is he back at work? If not, why not?

Senator T.A. Le Sueur:

The position in respect of the Magistrate remains as it was at the time of that question; nothing has changed, sadly, and the matter is taking longer than I am sure anyone would like. I remind the Member that of course the Magistrate is not a States employee.

The Bailiff:

Does any other Member wish to ask any questions?

8.8 The Deputy of Grouville:

Could I ask my supplementary now? It is just I could not hear the Chief Minister very clearly before and my colleague has just informed me what he did say, so if I could ask my supplementary. The Chief Minister wanted to know the instance. The instance was the scrutiny hearing at the Home Affairs and Education Scrutiny Panel hearing last week or the week before and it was the Minister for Home Affairs.

Senator T.A. Le Sueur:

I think it might be more appropriate to ask the Minister in his questions without notice, but I repeat that in the normal course of events I would expect a Minister to not withhold information to a scrutiny panel if he was going to release it to the media. There may be particular circumstances in which that general comment might not be applicable.

8.9 Deputy J.A. Hilton:

The Council of Ministers are currently looking at ways of plugging a deficit in the tune of approximately £100 million and I believe that they will, among other things, be considering rises in G.S.T. (goods and services tax), cuts in departmental spending, and possibly increases in income tax. Is the Chief Minister able to tell the Assembly his own personal view on the likelihood of increasing tax rates for those individuals in receipt of earnings of £100,000 plus, over and above 20 per cent?

Senator T.A. Le Sueur:

My personal view is I think fairly well known that I believe in this situation the size of the problem is such that it would be solved by a mixture of cuts in spending and increases in taxation of some form or another. I have said and I maintain my view that taxation should be paid on a proportional basis and that those with greater ability to pay should be expected to pay more. Whether that relates to a specific different tax rate for people earning over a certain level of income or some other means will be discussed in the context of the fiscal review to be undertaken by the Minister for Treasury and Resources over the coming months. One way or another, the principle of general, overall progressivity remains my personal preference.

8.10 The Deputy of St. Mary:

The Chief Minister, in reply to the very first question, said more or less that he was not going to take any notice of what was in the affidavit or that he had not seen it. What the affidavit says is: "Since my suspension a Member of the States who is otherwise unconnected to any of these events has come forward and offered evidence. He speaks of overhearing a conversation in the corridors of the States building between the then Chief Minister and Deputy Lewis. This discussion appears to have occurred in the weeks following the meeting. During that discussion the possibility of suspending or dismissing the Deputy Chief Officer was being actively discussed." Now that the Chief Minister knows what was overheard in the corridor of the States building I wonder if he can give a view on whether he would think that this should be pursued?

Senator T.A. Le Sueur:

No, I do not know what was said in the corridors of power.

[14:30]

The affidavit said that the person making the affidavit was aware of the existence of this and it might be worth pursuing. That is a comment made in the context of an affidavit about an incident that may or may not have happened. To me, that is not anything that is of itself necessarily worth pursuing.

8.10.1 The Deputy of St. Mary:

Excuse me, if I may have a supplementary. A comment in an affidavit that may or may not be real or may or may not refer to a real event is a pretty serious allegation to make about the former Chief Officer of Police and this is a sworn statement to a court. I would ask the Chief Minister to reconsider what he has just said.

Senator T.A. Le Sueur:

I would suggest that the Deputy reads carefully the words of that affidavit. It is not an allegation that there was ... it is not a confirmation of any plots to remove him or do anything else; it is an

affidavit that there may have been a conversation in the corridor. I am quite prepared to believe that there may well have been a conversation in the corridor, but that is not what the affidavit is ... the affidavit is not saying anything more than that.

8.11 Deputy M. Tadier:

The Chief Minister was asked several questions about the behaviour of a Minister, whether it is appropriate for a scoop to be promised to the *J.E.P.* rather than giving evidence to scrutiny and I think the Chief Minister said that generally speaking that is not something he would expect of the Minister. Would the Chief Minister confirm if this is a subject about which a complaint could be made under the Code of Conduct for Ministers which could be submitted by a member of the public or another States Member? Is that something that the Minister would be able to deal with?

Senator T.A. Le Sueur:

Members of the public or States Members can raise this under the Code of Conduct and each allegation will be considered by me on its merits. So, yes, certainly it is open to people to raise that sort of issue, but I do suspect that if we have particular difficulties here in the context of a matter where the Minister for Home Affairs is under a duty of confidentiality in respect of a disciplinary matter. It may well be that the questions being asked of that scrutiny panel impeded upon that confidentiality and therefore he could not respond to them. What he may, or what the media may or may not have alleged he said is a different matter entirely. So I think I see where the confusion may have begun to arise.

Deputy M. Tadier:

I think the confusion is only just beginning to arise. **[Laughter]** Surely if the issue is one of confidentiality and not giving the Scrutiny Panel information, it must also be confidential when giving that scoop and the same information to the *J.E.P.* So clearly it is not a matter of confidentiality here; it is simply a matter of: "I do not want to give you this information yet because I promised it to the *J.E.P.*" and that is what was said. There is no debate about that being said.

Senator B.I. Le Marquand:

I must protest about that. It is a gross misrepresentation of what happened. The Members who are asking questions had ample opportunity to ask me questions this morning and have failed so to do and they chose instead to ambush the Chief Minister. Now things are being said that are not correct at all. **[Approbation]** I must very strongly protest. This, in my view, is a gross abuse of process.

The Bailiff:

The question has been posed, so ...

Senator T.A. Le Sueur:

I think the matter has been dealt with by the Minister for Home Affairs. I would just reiterate those comments.

The Bailiff:

Very well. That completes questions to the Chief Minister.