

## **7. Questions to Ministers Without Notice - The Chief Minister**

### **7.1 The Deputy of St. Martin:**

Is the Chief Minister in a position to give an update on the position of the Magistrate? Is he back to full duties or is he on restricted duties? If he is on restricted duties, when is he likely to resume full duties?

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

The employment and activities of the Magistrate is something outside my direct purview. He is not employed by the States Employment Board. He is a Crown Appointment. I can confirm he is still on restricted duties. I cannot give an indication at this stage of how long that might continue.

#### **7.1.1 The Deputy of St. Martin:**

Will the Chief Minister say that he accepts the concerns not only of the taxpayer but also the Members of this House that someone should be off duty for so long and yet there seems to be no one responsible for ensuring that he is going to be returned to full duties.

#### **Senator T.A. Le Sueur:**

I take those concerns and I am addressing them as best I can within the framework available to me.

### **7.2 Deputy P.V.F. Le Claire:**

Is the Chief Minister aware that attempts to gain unauthorised access to States Members emails has occurred? If so, when did he know this and why has he not corresponded to other States Members to inform them?

#### **Senator T.A. Le Sueur:**

I am not aware of unauthorised access to emails and, if I were, I would certainly bring it to the attention of the parties concerned. If the Deputy has any concrete evidence to confirm his suggestion I would be pleased to receive them.

#### **Deputy P.V.F. Le Claire:**

I would be happy to speak to the Chief Minister afterwards.

### **7.3 Deputy M. Tadier:**

The question refers back to Napier. Does the Chief Minister recognise that the rationale for the inclusion of part (d) of the terms of reference of the Napier Review was that there had been very serious allegations made by Mr. Power - they were only allegations but they were very serious - in his affidavit which were of the concern to States Members and that the States decided these should be investigated, and that by removing this clause there were 2 consequences; (1) that there was no obligation for Mr. Napier to look at this area in any detail, and (2) that the result was that these allegations were not satisfactorily dealt with in the report? Does the Chief Minister agree?

#### **Senator T.A. Le Sueur:**

I sometimes think that we have strayed from the point of what Mr. Napier was expected to review. He was intended and employed to review the suspension process as it occurred. He was not engaged to judge on the rights or wrongs of the case as he made quite clear in his report. Therefore, while he had access to the contents of the affidavit what he chose to do with that affidavit would only be in relation to his view of its relevance to the suspension process.

#### **The Deputy of St. Martin:**

Will the ...

**The Bailiff:**

No, I am sorry, Deputy, you have had 2 questions already and Deputy Tadier is asking questions at the moment.

**7.3.1 Deputy M. Tadier:**

Is it simply not the case that while part (d) did remain there, there was an obligation for Napier to look at this particular area, irrespective of whether he wanted to, and come back with his conclusions? By removing that there is now, after that, no obligation for Napier to have done that. This is the issue which I and other States Members are saying is the issue. Does the Chief Minister not at least acknowledge that that is problematic?

**Senator T.A. Le Sueur:**

Yes, I will acknowledge the Deputy's concerns and those of a handful of other Members in the same situation, but I repeat that this was a review into the suspension process. Members really need to understand that.

**7.4 Deputy G.P. Southern:**

Can the Chief Minister explain why he turned down the opportunity to debate Zero/Ten, E.U. tax matters and relations with the U.K. authorities with the representative of Tax Justice Network last week? Was a deliberate decision taken by him or the Council of Ministers to avoid any political or departmental representation at the 2 meetings available?

**Senator T.A. Le Sueur:**

I did engage with Mr. Murphy some years ago in an earlier discussion when he came to the Island. I have not found any change in his position since that date. I saw no purpose in me having a further discussion on the same topic over and over again.

**7.4.1 Deputy G.P. Southern:**

A supplementary. The difference is that we now know that Zero/Ten is on its way out. Does that not affect the position of the Chief Minister?

**Senator T.A. Le Sueur:**

The Deputy is entitled to his own view. There is no evidence to date so far to invalidate the extent of his being correct or otherwise.

**7.5 Deputy T.M. Pitman:**

I thought I was invisible for a while there. Can the Chief Minister clarify - as apparently we are on a tight schedule - that legislation relating to the electoral reforms agreed last month has been sent to the Privy Council and, if not, why not?

[12:00]

**Senator T.A. Le Sueur:**

Legislation goes to the Privy Council once it has been passed by this House in Third Reading. That is a procedural process which goes through official channels via the States Greffe. It has nothing to do with my department as such, but I do believe and I do understand that the documentation has gone up through the normal channels to Privy Council.

**7.6 Deputy D.J. De Sousa of St. Helier:**

Bearing in mind that the Chief Minister was the person that brought the proposition to change W.E.B. (Waterfront Enterprise Board) into S.o.J.D.C. (States of Jersey Development Company), in view of the release of the report and the annex at the back of the report concerning the

morphing of W.E.B. into S.o.J.D.C. and keeping the same managing director who was the same individual that was involved in a similar setup in Edinburgh, and that was subsequently found to have a £7.4 million problem in their accounts by overvaluing their assets by output rather than the Red Book value, will the Chief Minister please ensure that the Red Book value will be used in Jersey?

**Senator T.A. Le Sueur:**

That is a slightly offbeat question. The administration of the day-to-day activities of the States of Jersey Development Company will be undertaken by a board of directors, which is currently in the process of being appointed following an open appointments process. It will be up to the new board to determine the procedures for that company and its employees. I believe that they will do that in accordance with normal professional accounting and reporting standards.

**7.7 Connétable D.W. Mezbourian of St. Lawrence:**

Written question number 30 today has a response from the Minister for Health referring to details of the exclusion and suspension and stating that they are reported to the States Employment Board and reviewed monthly in line with their agreed procedures. Can the Chief Minister confirm whether or not the first time this has happened was at the board meeting on 25th January 2011 and that following that meeting they will indeed be reviewed monthly?

**Senator T.A. Le Sueur:**

I can confirm that it was discussed at the meeting on 25th January. I can further confirm that it will be done on an ongoing basis as the Constable suggests. I cannot at the present date confirm it has never been spoken about in the past. I have to go back over all the old minutes. It would not have been a standard arrangement in the past but I think it has happened from time to time.

**7.8 Senator A. Breckon:**

On our desks today is a document, R7, in the name of the Council of Ministers. It says in there that the new Migration Law is ready to be lodged. Could the Chief Minister say when this will be and when this House may debate it?

**Senator T.A. Le Sueur:**

I would hope that the law could be lodged either later this month or early the following month, and I would hope that it could be debated in May. There is a timetable to be undertaken with that in conjunction with the Corporate Affairs Scrutiny Panel who have indicated an interest in this matter. I know that it is clearly and closely being followed by my Assistant Minister, Senator Routier, who has been leading the activities on this. I believe the timetable is on track for a debate in May, all other things permitting.

**7.9 Deputy P.V.F. Le Claire:**

May I just ask for clarification on that answer? Is the Chief Minister aware that the Migration Advisory Sub-Committee has yet to receive the final draft?

**Senator T.A. Le Sueur:**

The last I understood was that the Corporate Affairs Scrutiny Panel was reluctant to look at the draft until they had been cleared by the Law Officers' Department for human rights and other compliance. I think that has only recently been achieved. It may well be that the panel has not yet met but I understand that those matters have now been completed and we are in a situation where we can move forward to the next step.

**7.10 Deputy C.H. Egré of St. Peter:**

Would the Chief Minister in his position as the chairman of the States Employment Board please ensure that there is a formal exit interview given to the outgoing Director of Human Resources in order to ascertain whether there were any underlying reasons for her departure?

**Senator T.A. Le Sueur:**

Yes, I have already agreed that with the outgoing director. That is a process which I think should be followed in respect of all senior employees on their exit.

**7.11 Senator J.L. Perchard:**

Does the Chief Minister agree that the proposed £40 million redevelopment of the old Odeon Cinema building and nearby sites would be a welcome boost to the Island's economy? Will he, like me, encourage and support the owners of that site to make an application to the Planning Department to demolish the building and progress their plans?

**Senator T.A. Le Sueur:**

I agree that certainly development of that area would be a boost to the economy at the current time but one has to be careful about, of course, having short-term gains for perhaps longer term disbenefit. It would be a matter for the Minister for Planning and Environment to consider any application by any developer and to see whether on balance it is in the Island's interests. At a personal view I would support such a move but I do appreciate that there are 2 sides in any debate like this and it is up to the Minister in making his decision to have a look at the overall implications and not simply the short term economic benefit.

**7.12 Senator F. du H. Le Gresley:**

In hindsight does the Chief Minister agree that while he was Minister for Treasury and Resources he should have found an alternative way to pay for the Waste for Energy plant?

**Senator T.A. Le Sueur:**

That was a decision made at the time, which appeared to be the correct decision, which I believe is still the correct decision. It had been a general policy of the States that we do not overstretch ourselves. I believe that earmarking the funds upfront for this development when the funds were available in hand was the right decision to make at that time.

**7.12.1 Senator F. du H. Le Gresley:**

Could I ask a supplementary? Does the Chief Minister not agree that we are now in a position where we have some £100 million to spend on maintenance of property owned by the States which we cannot afford and that this money would have been available if we had borrowed to pay for the Waste for Energy plant?

**Senator T.A. Le Sueur:**

Indeed should we believe that is the right way to go forward it would still be possible to borrow that money now. I see no point in borrowing money and paying the rate of interest that may be required on that money when we had the funds sitting in our own current account doing nothing.

**7.13 The Deputy of St. John:**

On 6th December the Chief Minister gave this House an assurance about the Reciprocal Health Agreement, yet again today we are given an answer from the Minister for Health and Social Services that it is still not in place. When questions are given to the Chief Minister will he please give us an assurance that in future he will give us truthful answers and not answers to mislead this House?

**The Bailiff:**

No, Deputy. You know very well that you cannot accuse another Member of deliberately misleading the House. You know that. The Standing Order under which ...

**The Deputy of St. John:**

I have been in the House for many years and it is not often I have had to be pulled up by the Chair. I will withdraw that part of the question, Sir. Will the Chief Minister now act with his colleagues across the water to make sure that this Reciprocal Health Agreement is put in place because there are a lot of families who are hurting greatly at not being able to go and see their next of kin in the U.K. because of the cost of insurance to get over there which is beyond a lot of their means?

**Senator T.A. Le Sueur:**

When I made my comments at the end of last year it was in the genuine belief that there was no reason why a Reciprocal Health Agreement could not be signed by the end of the year. The fact is that it has been delayed through circumstances beyond my control. I am in no position to force the Government to sign it on any particular date, but we do have a clear indication from the U.K. Minister that all signs are positive towards this. I deplore the delay as much as the Deputy of St. John does but these sorts of matters unfortunately are not totally in our control. To the extent that we are able to influence them, we do, and the Minister for Health and Social Services has done, continue to press for a conclusion to this matter at the earliest possible date.

**The Deputy of St. John:**

Sir ...

**The Bailiff:**

Sorry, Deputy, but I have been advised by the Greffier that time ...

**The Deputy of St. John:**

Everyone gets 2 shots of it, Sir, and I get one. Cutting me off at the knees yet again.

**The Bailiff:**

Everyone gets 2 shots provided they are within the allocated time, Deputy. Very well. That completes questions to the Chief Minister.