

#### **4. Questions to Ministers without notice - The Chief Minister**

##### **The Deputy Bailiff:**

That brings question time for the Minister for Planning and Environment to a close. We come to questions without notice to the Chief Minister.

##### **4.1 Senator F. du H. Le Gresley:**

In answer to question 18 today, the Chief Minister said that there was a change in the contract of the former Chief Executive Officer in 2005. Could he tell us who negotiated this change and whether the change affected the final pay-out?

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

The change in contract was negotiated with the former Chief Executive and was approved by a meeting of the Human Resources Sub-Committee of the Policy and Resources Committee at some date in 2005. I do not have the date to hand. The contract variation did have the effect of increasing the amount of money which would be paid in the event of termination.

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

The Chief Minister will recall the question I was going to ask him before it was passed on. The Chief Minister will have seen the complaint that I made because it was made to him and, quite correctly, because he was conflicted it was passed on. As Chairman of the States Employment Board, has he seen the result of the report or seen the report and, if so, will he then be forwarding it to the States Employment Board for consideration?

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

As the Deputy Chief Minister has already indicated in his answer, having found that there was no substance to the complaint there was no purpose in forwarding it to the Chairman of the States Employment Board.

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

But has the Chief Minister seen the report?

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

I do not believe I have. I do not recall the content and certainly it was not a matter that was relevant to me since I was assured that the report contained no basis for the allegations.

##### **4.3 Deputy T.M. Pitman:**

Given his position as leader of the Government, will the Chief Minister be requesting his Minister for Home Affairs to initiate an independent committee of inquiry to discover how it can apparently be possible that a U.K. journalist was able to quote from an interim BDO Alto report only days after it was allegedly commissioned?

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

I have every confidence that the Minister for Home Affairs has his department fully under control and will take such action as he considers appropriate.

##### **4.4 The Deputy of St. John:**

Over the last couple of years Condor Ferries, our local shipping operator, has had a lot of mechanical problems and, in particular, in the last few days where vessels are arriving here at 2.00a.m. or 3.00 a.m. and have to depart. What is the Chief Minister's Department doing with E.D.D. (Economic Development Department) to make sure a proper service is put in place and will he be putting a new tendering process in place for this route?

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

The Economic Development Department and the Assistant Minister are acutely aware of the problems which Condor have been facing in recent times and are as anxious as I am to ensure that a proper service is maintained and that any mechanical problems are reduced to a minimum. I was speaking to representatives of Condor yesterday and they are as concerned as I am about those ongoing difficulties. But we have a service level agreement in place for the time being and until that expires and is renewed we have to abide by it, unless there was performance of such an unsatisfactory nature which would give us cause to terminate that agreement and replace it with something else which may or may not exist at this stage. When we come to renew that contract, I have no doubt that the Minister for E.D. will take note of the difficulties that have been experienced in recent weeks by that current operator.

**The Deputy of St. John:**

A supplementary. Given the very poor performance over the last 2 years ...

**The Deputy Bailiff:**

I shall add you to the end, Deputy, if we get to you.

**4.5 Deputy G.P. Southern:**

The Chief Minister will be aware of the increase in revenues from salary and wage earners revealed in the financial report and accounts for 2010; £21 million, mostly due to the shareholder taxation provisions of the Zero/Ten regime. This is look-through under the zero tax regime for non-finance companies. Is the Chief Minister disappointed that it only produced £21 million when as recently as 2003 the sum from non-finance companies was £64million? This constitutes a loss of £40-something-million through the zero of Zero/Ten.

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

We are in a very different economic situation from where we were at the time in question. I am grateful for the fact that these taxpayers have contributed another £21 million, which will enable us to deliver some of the services the Island desperately needs.

**4.6 The Deputy of St. Mary:**

The Chief Minister earlier today talked about the damage that would be done if the BBC withdrew some of its services, and I completely agree with that. Plurality is really important, especially on a small Island. Would the Chief Minister undertake to take this a step further and to ask the BBC to formally let us know what services are under consideration for cuts? Because there were different versions; some people were talking about just a television service and other people were talking about cutting the BBC Radio News. So could the Minister ask the BBC to clarify what is under consideration?

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

Yes, I think it is important that we do understand that. I believe that the matter is still flexible and the BBC is considering their options in all sorts of areas, but we do need to be advised and we do need to be able to have an ongoing dialogue with them. I will ensure that that does happen.

**4.7 Deputy J.A. Martin:**

We have heard a lot this morning from the new States Employment Board and the question follows on from Deputy Higgins. It is about the golden handshake contracts that were put in place before S.E.B. (States Employment Board) and by Policy and Resources. Would the Minister not agree the let-down is the fact that we still have the same people in Human Resources who are looking at contractual laws which are competing with consultant employers who are expert in contractual law that we are getting our top people from, from the U.K. and elsewhere, and this is the problem? However many promises the Minister puts in place, until we

have experts on our side - the people's side - we will carry on to find out we are still in the golden handshake land.

**The Deputy Bailiff:**

Was that a question?

**Deputy J.A. Martin:**

Will the Chief Minister admit we still have exactly the same people in top jobs in Human Resources who negotiated these contracts in 2003 and 2004 and still there today?

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

It is true to say that there are some employees still in place now who were in place in 2004 and 2005, but that is irrelevant. The fact of the matter is that a contract was entered into at whatever the appropriate date was and that contract remains in force, irrespective of who may be employed in Human Resources at the time. In terms of interpreting that contract, should it be required, there we have the ability to acquire up-to-date specialist employment lawyers and we do, indeed, do so.

**4.8 Deputy A.E. Jeune:**

Does the Chief Minister endorse the answers that Members are given in their written questions which state that the States Human Resources Department has instructed that information is not to be given to this Assembly in relation to contracts that are being given out currently, using the excuse that it could potentially breach data protection or their duty of care to an individual, when what you are asking for is the terms of a contract that have been given to somebody; what expenses are being paid, et cetera? Does he endorse his States Human Resources Department reacting in this way?

[12:15]

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

I think the Human Resources Department are acting in a very responsible way in ensuring that we do not unwittingly breach any duty of care to the employees of the States. To the extent that disclosure needs to be required for particular circumstances and particular purposes, then that may be done, but blanket disclosure just for the sake of it is not in the interests of employment matters.

**4.9 Deputy M. Tadier:**

It has been said that contractual information will only be released under exceptional circumstances. Does the Chief Minister agree that, at a time when austerity measures are being introduced, when standards of living are going down in real terms for many people and when public confidence in our Government's ability to spend in a sensible and accountable way is at an all-time low, these are exceptional circumstances and in this case the public interest for disclosure outweighs any confidentiality clauses which I believe the Minister may, due to his parliamentary privilege, be able to make a judgment call on and release to the Assembly now?

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

Yes, I believe that there is a public interest matter here and that is why I have made it quite clear that I would welcome the investigation in confidence by an independent person looking at these particular matters in order that other Members and the public can be satisfied that the activities and arrangements put in by myself and the States Employment Board were in fact the most appropriate ones to follow in that particular situation. I have every confidence we can achieve and deliver that public confidence in a way which does not, on the other hand, breach the duty of confidentiality and care we have to employees and former employees.

#### **4.10 Senator B.E. Shenton:**

Does the Chief Minister agree that it is the job of Ministers to carry out the wishes of the States Assembly and does he also agree that it would set a very dangerous precedent for any Minister or committee to openly disagree to implement their wishes simply because they disagreed with them?

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

Ministers, like any Member, have personal views which they are entitled to express, but having received a clear direction from the States Assembly they are equally obliged to follow the wishes of the States Assembly. It is not Ministerial policy to keep bringing back propositions to the States irrespective of whether they like them or not. They accept the fact that the democratic will of the States is such and until that democratic will is changed by some future decision, they abide by that decision.

#### **4.11 The Deputy of Grouville:**

Does the golden handshake scenario not suggest that this episode has made a complete nonsense of the Strategic Plan and the aims in it?

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

No, I do not. The Strategic Plan is a long-term future direction for the Island. The payments which the Deputy refers to as “golden handshakes”- and I make no comment about that - are done in accordance with a contractual obligation.

#### **4.12 Deputy M.R. Higgins:**

Recent figures from the United Kingdom have shown that the gap between the rich and poor has widened considerably over the last decade. Does the Chief Minister believe the gap between rich and poor in the Island has also widened and, if he does, what does he think has been the cause?

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

I believe that the gap between rich and poor in Jersey has probably widened as it has in the U.K. and tends to happen in highly developed economic circumstances. What one does about this is to ensure that, while there is increased prosperity as a result of an economic benefit, that economic prosperity is shared with all sections of society and, therefore, appropriate benefits can be provided to the less well-off in society so that even though they may be in relative poverty they are still in a situation of being able to survive.

#### **Deputy M.R. Higgins:**

Does that mean that the Chief Minister supports ...

#### **The Deputy Bailiff:**

I will add you to the list, Deputy, but I do not think we will get to you.

#### **4.13 Deputy R.G. Le Hérisier:**

Would the Chief Minister not acknowledge, in relation to the infamous golden parachutes, that it was wrong for the Chief Executive to set the terms for another of the senior executives of the States and that, by so doing, it is like spreading a virus throughout the system?

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

The powers delegated to the Chief Executive by the States Employment Board are within certain parameters so that that Chief Executive does not have carte blanche to do exactly what is required. It has to be within certain standards and contracts of employment have been and are within those set standards.

#### **4.14 Senator F. du H. Le Gresley:**

In answer to an earlier question the Chief Minister said that the amended contract for the former Chief Executive Officer was negotiated by a Human Resources Sub-Committee. Could the Minister tell us if any politicians sat on this committee and who signed the final amended contract?

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

The Human Resources Sub-Committee was a committee of Members of the States. They were all States Members on that sub-committee. The contract, I believe, was signed by the Chairman of the Human Resources Sub-Committee, which I think was Senator Walker but I cannot be certain at this stage. That may not be the case.

#### **4.15 The Deputy of St. John:**

Given Condor Ferries have performed very badly over the last several years, will the Minister give an undertaking that a full tender process will be put in place? If not, does he want a States Member - a Back-Bencher - to put a proposition to this House so we spend the time having to debate it when these things can happen within his department?

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

Yes, I will endeavour to do that and ensure that we have the best level of service that we can possibly achieve on both the north and south routes going forward. While I am on my feet, in response to a previous question about the Human Resources Sub-Committee, I am advised, although I cannot confirm, that the chairman at that time was probably Deputy Dubras.