

4. Questions to Ministers without notice - The Minister for Home Affairs

The Bailiff:

Very well, that brings the first question period to an end and we now come to the second question period, the Minister for Home Affairs.

4.1 Deputy T.M. Pitman:

I thought I had become so slim you could not see me behind the mace, Sir, but thank you. With regard to the Wiltshire Report, I have no real problem in another version of Wiltshire being put out so long as we get official Home Affairs release of Mr. Power's 62,000 word response given equal prominence. My question is does the Minister agree that this should be the case, given that Wiltshire is nothing more than an abandoned, and thus failed, prosecution case, while Mr. Power's response is the other side of the coin: the defence? Does the Minister agree?

Senator B.I. Le Marquand (The Minister for Home Affairs):

Not entirely. The position is that the Wiltshire Reports - there are 3 of them, not one - are the opinion of a senior police officer in relation to matters which are of very great public interest as to what occurred during certain investigations. They have a value and a standing in their own right, in my opinion, independently of any disciplinary matters. Now, those who will have read in any detail the fuller reports will see that the Chief Constable of Wiltshire refers to comments - views - expressed in his evidence by the former Chief Officer of Police; he gives them full weight, sometimes agrees with them and sometimes does not agree with them. The issue as to whether or not the former Chief Officer of Police now wishes to have his statements or some of his statements put out into the public domain is an issue which I am perfectly happy to pursue with him. He has not asked me to do that in the past, but I am now very happy to pursue that to see if he really wants to do that.

4.2 The Deputy of St. Martin:

Could I just ask the Minister for Home Affairs, in a written answer given on 22nd June the Minister said that the Wiltshire Inquiry had come out of the historical abuse funding; yet in an answer given last week by the Treasury in relation to the costings of the Wiltshire Report, it said it did not come out of the historical abuse inquiry. Which answer is correct? Did in fact the money come out from the historical abuse inquiry or not?

Senator B.I. Le Marquand:

The answer to that query is quite complicated and I am afraid I do not carry the details in my brain. I have previously, I believe, provided written answers in relation to this to establish precisely where different elements were paid from, but I am afraid I cannot remember the precise details.

4.2.1 The Deputy of St. Martin:

Could I just ask, would it be fair to say it may well be there is an error by the Treasury and not by Home Affairs?

Senator B.I. Le Marquand:

Unfortunately there was an error at one stage by Home Affairs because I remember producing an answer to a question I subsequently found was not totally correct and then having to correct that answer. But I am satisfied that the last written answer, which I provided to provide detail, will have been correct.

4.3 Deputy J.M. Maçon of St. Saviour:

Given the Minister's role on the corporate parent, what is the corporate parent doing to hold parents accountable for the behaviour of their antisocial charges and when will the corporate parent be bringing forth proposals to further address this issue, given the commitment that was given under Deputy Pitman's proposition previously?

Senator B.I. Le Marquand:

The corporate parent has been working very hard producing a high-level strategy document in this whole area which has gone out to consultation. Subsequently there will be pieces of work done in different areas as and when that is required. But the issue of holding parents accountable for the actions of their child is a complex one. There already are powers under which criminal courts have to do so in appropriate cases. Now, whether additional powers are required or not is a matter of different people's viewpoints. I am not currently proposing any changes, but there will be extra work done in this area.

4.4 Deputy M. Tadier:

Does the Minister agree that discrimination against women in the workplace remains an issue and with which department does he see ultimate responsibility for fighting this and other forms of discrimination lying with? Sorry, I got the syntax wrong but I think the Senator understood the sentence.

Senator B.I. Le Marquand:

Yes. That is quite a complicated question because there are different aspects of discrimination. Discrimination in the workplace, as it were, in terms of employment matters, would fall within the remit of the Minister for Social Security. Discrimination generally still seems to somehow remain the remit of the Minister for Home Affairs, although he has not specialist sources of information or civil servants or backup, and the Minister for Home Affairs has expressed the view in the past that this is perhaps an area that should return to the remit of the Chief Minister as being part of the social aspects. The difficulty is that, in my view, Home Affairs has been slightly pulled out of shape by virtue of the particular interest which a previous Minister for Home Affairs had in this area. But I have very real difficulties, which I think are well-known to the Deputy, in dealing with this area. I am now trying to engage with the chairman of the Community Relations Trust in order to seek help and advice in trying to take matters as far forward as I can within the term of the current States.

4.5 The Deputy of Grouville:

Could the Minister give an indication of the wasted costs involved in the Probation Service having to rewrite reports that were compiled by a police-employed U.K. expert?

Senator B.I. Le Marquand:

I have no responsibility for matters in relation to the Probation Department.

The Bailiff:

That is correct.

4.6 Senator J.L. Perchard:

Does the Minister share my view that the Wiltshire Police investigation clearly indicates that in May and June of 2008 senior police officers of the States of Jersey knowingly provided the Minister for Home Affairs at the time, and other politicians and subsequently this House, with false information, in particular about the 23rd February find of partial remains?

Senator B.I. Le Marquand:

It is clear that the Wiltshire Report does criticise senior officers of the States of Jersey Police in this regard.

4.7 Deputy M.R. Higgins:

Will the Minister explain whether the States Police have the authority to stop cars with foreign number plates in the Island when the drivers concerned have committed no road traffic offences? Secondly, does the Minister agree that stopping such cars on more than one occasion during a motorist's visit to the Island (11 in one case) gives the wrong impression of the Island and that aggressive behaviour or questioning is also not appropriate or conducive to welcoming visitors to the Island?

Senator B.I. Le Marquand:

Aggressive questioning is never appropriate in any circumstances. I understand it is police practice that sometimes they will stop cars with foreign number plates and this is for 2 separate reasons. The first is because of the possibility of people having bought cars in and not registered them and the second is because of the possibility of their being stolen cars. I understand those are the 2 issues. But if, as the Deputy says, there has been an occasion on which the same car has been stopped on numerous occasions in a short period, that is only to be regretted and I have already discussed the matter with Deputy Higgins and will seek to take up this matter with the senior police officers.

4.8 Deputy P.V.F. Le Claire:

Could I convey my personal admiration and thanks to the emergency services for the very difficult jobs they have been undertaking recently in relation to road traffic accidents and ask the Minister if he has managed to ascertain whether or not the rear seat belt law, which has been introduced to Jersey, is now something that is being policed and whether the conveying of children and passengers in vehicles is something that is being done correctly and being monitored in any way?

Senator B.I. Le Marquand:

The answer to both those questions is "yes". Certainly in relation to seat belt matters, in the days when I was still the Island's Magistrate I came across a number of prosecutions in relation to children not being in the appropriate seats. The standard defence tended to be that the child had undone themselves without the parent knowing it, of course. But certainly the police are actively pursuing these matters.

4.9 Deputy R.G. Le Hérissier:

Given that the whole issue of the suspension of the police chief and the reports that followed has had an immense impact on the Island and often polarised opinion, would the Minister for Home Affairs tell the House what he has learned from this episode and how he would behave differently with, admittedly, the benefit of hindsight?

Senator B.I. Le Marquand:

I think there are lessons to be learned in relation to the process of the suspension of the former Chief Officer of Police, particularly in relation to the level of preliminary investigation in relation to that. There are lessons also to be learned in terms of the documentation, and I can inform Members that a revised disciplinary code has been produced and looked at by the senior officers. They are content with it and they now have to make sure that is put into practice. In relation to the wider issues raised by the Wiltshire Report, specifically the handling of a particular investigation, of course the proposals that I have put forward to this Assembly, which have been overwhelmingly accepted in relation to the setting up of an independent police

authority and, in particular, safeguards that we are going to seek to put into the law as to what are the legitimate areas for inquiry even while an investigation is going on, hopefully in the future those will go a long way towards preventing similar problems.

4.9.1 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge that the disciplinary process went badly off the rails and has caused distress to all kinds of people as a result?

Senator B.I. Le Marquand:

As far as I can see, the main issue in relation to the disciplinary process was the amount of information available initially to the Minister to seek to make his decision. There is a secondary issue as to the procedure that was initially carried out and, in my view, there are issues in relation to both those things. But it did not help that the basic system, the disciplinary code, was so defective; so defective that new opinions as to what it meant have continued to come up. Mr. Napier came up with a brand new interpretation in relation to that. But I think that there is an issue to be learned, not just for this case but for other cases, in relation to the level of initial inquiry which takes place; the level of information which is available before suspension decisions are made. That is a principle of much wider application.

4.10 Senator T.J. Le Main:

Is the Minister satisfied that prisoners and those on probation are being used enough on community work and projects, particularly one notices that the countryside now is becoming more littered with garbage than ever?

Senator B.I. Le Marquand:

Again, although it is a very nice question and one I would like to answer, it is in the area of Probation matters, I think, as to the actual tasks that people are put on for community service. That is not, again, within my area.

4.11 Senator F. du H. Le Gresley:

Does the Minister consider the penalties for speeding offences are adequate or should we be following the Guernsey model, where I understand offenders can be banned from driving even for a first offence?

Senator B.I. Le Marquand:

I can properly answer part of the first question. I do not consider that the maximum penalties available are adequate. I worked, when I was Magistrate, together with the Crown Officers to seek to have a comprehensive review of maximum sentences for a whole number of criminal charges. Unfortunately that work never led to anything useful, but in particular the maximum fine of £500 for speeding offences is insufficient and tends to constrain the courts in terms of the level of fines that it can impose. The secondary issue in relation to the question of sentencing policy is not a matter for me. Sentencing policy is a matter for the courts. If I had been asked the question while I was still Magistrate of course, I could have answered.