

Questions to Ministers without notice - The Minister for Home Affairs

The Bailiff:

Very well, that concludes questions on notice so we now come to questions without notice and the first period is to the Minister for Home Affairs.

3.1 Deputy T.M. Pitman:

Could the Minister for Home Affairs clarify what were the reasons for the raid that took place, by police, last year on the German Consul? Computers were removed, I believe, and they should not have been removed. What has been the outcome of those actions?

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

That is a current operational matter and I cannot comment on current operational matters.

3.2 The Deputy of Grouville:

Does our society enjoy the same protections as do American citizens under the fourth amendment of their constitution, namely the right of people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures?

Senator B.I. Le Marquand:

Not in that wording but, of course, the European Convention on Human Rights, which is directly applied into Jersey, has respect for family life and therefore I suspect it has equivalent protections.

3.2.1 The Deputy of Grouville:

Does the clause “the respect for family life” protect people from what I have just described? What assurances can the Minister give this Assembly that the protection of family life means that people are protected and secure in their houses with their papers and effects against unreasonable searches?

Senator B.I. Le Marquand:

The human rights question is quite a complicated one because it crosses different borders but there is a general right for family life and privacy but that is subject to exceptions, obviously, in relation to criminal matters but then it must be in accordance with a lawful process and whatever happens must be proportionate and necessary.

3.3 Deputy G.P. Southern:

Can the Minister state whether his Order enabling English language tests for some but not all immigrants, and the exemptions, I believe, are those on work permits and EU entrants is ... so some but not all immigrants to Jersey is discriminatory and therefore non-human rights compliant?

Senator B.I. Le Marquand:

That is not my understanding. My understanding is that it is mirroring what has already happened elsewhere in the British Islands and it is a language test in relation to people seeking to apply for a work permit to enter the Island.

3.3.1 Deputy G.P. Southern:

Has the Minister for Home Affairs sought legal advice as to whether this is, in fact, a discriminatory act?

Senator B.I. Le Marquand:

No, I have not. I relied upon the advice and reports which I received from my officers and it is my understanding that it mirrors the position in the U.K. where, clearly, they would have taken such advice.

3.3.2 Deputy G.P. Southern:

Would the Minister circulate that advice?

Senator B.I. Le Marquand:

Am I being asked to circulate the reports which I received from my officers? I would be surprised if that was not a public document already. I will have to look at it.

Deputy G.P. Southern:

It will be.

Senator B.I. Le Marquand:

I will have to look at it and see what it says, whether it is a public document or not. I suspect that it is already a public document but I will have to check that.

3.4 Deputy M.R. Higgins:

Can the Minister for Home Affairs advise Members whether the acting Chief Officer of Police received any payment over and above his normal salary when he left his position and if so, for what?

Senator B.I. Le Marquand:

That is a matter to do with terms and conditions in relation to a particular individual and it is confidential.

3.5 The Deputy of St. Ouen:

Following an answer to a question to the Constable of St. Helier, perhaps the Minister could confirm whether the speeding equipment used by St. Helier's Honorary Police force and other Parishes is able to differentiate between police in emergency vehicles that are legitimately speeding to or from an accident and the normal private cars?

Senator B.I. Le Marquand:

If the reference to the data provided to me by the Connétable of St. Helier then the answer to that question is no it is not because it is simply recording speeds and times of vehicles but there is no one there to make a judgment.

3.6 Deputy M. Tadier:

The Minister said earlier that the letter between Mr. Warcup and Mr. Ogley was published on a local blog but that does not seem to tally with my knowledge. So, if it is the case, can the Minister confirm which blog he is talking about?

Senator B.I. Le Marquand:

I cannot. I am under the impression, and I may be incorrect on this, that it was publicised before. Indeed, I am also under the impression that a rebuttal of the terms of the letter written by the former Chief Constable of Gloucestershire was circulating at about the same time. I could be wrong on that. I am going from memory.

3.7 Deputy R.G. Le Hérisier:

I may be slightly off topic. Would the Minister confirm whether or not, because of the rebuilding at the prison, that some programmes - like the horticultural programmes - are going to be much reduced in scale? If so, what other actions are being taken to ensure this very successful programme remains and grows?

Senator B.I. Le Marquand:

Well, it is correct that as a result of the rebuilding works and the preparatory works in terms of further stages that the area of the horticultural zone is being reduced.

[12:00]

It is also correct that as a result of that that some - I am not sure if it is one or more - of the heated areas will need to be demolished. There was already an issue in relation to the age of some of that and the boiler needing replacement. However, to demonstrate a continuing commitment to the area a decision has been made to rebuild a heated area, albeit a smaller one, together with some classrooms for future training. So there is an ongoing commitment to the maintenance of this. At the end of the day the total heated area is going to be less than at present.

3.7.1 Deputy R.G. Le Hérissier:

Does the Minister know by what per cent less?

Senator B.I. Le Marquand:

I do not. It is a matter that I was intending to have a look again at some time during this week but I do not know the answer to that. Obviously, there are also unheated tunnels and areas up there as well which I do not believe are affected by this.

3.8 The Deputy of St. Ouen:

Could the Minister inform Members when will the police motorbikes be fully operational?

Senator B.I. Le Marquand:

Well, my latest information on that was by April because there was a need to train additional officers in relation to that. They were bought last year and required a running-in period which has been taking place. It is now necessary to train additional officers so that there are 2 officers on each of the 5 shifts who are able to utilise these. But the latest information I had was that would be happening by about April due to the training period of additional officers.

3.8.1 The Deputy of St. Ouen:

So in that case are the bikes operational even though at a limited extent at present?

Senator B.I. Le Marquand:

I do not think they are. They have been out and about but that has been part of the running-in process. I am not ... I do not think that any of the shifts have started operating at this point in relation to their use.

3.9 Deputy T.M. Pitman:

Earlier the Minister said that he was working away to try and redact the 62,000 word document of the former police chief so it could be published. When does he think he might reach that position where he can do it and distribute it to Members? If it helps I am willing to go halves on a bottle of Tipp-Ex.

Senator B.I. Le Marquand:

Well, I hope within 3 months. As I have said before, it is not a matter of Tipp-Ex. The problem is that the advice I have received has indicated that there may be whole chunks which will need to come out because of them having a very low level of relevance to the actual issues and naming third parties. I say ... I hate, as a lawyer, to confess that I found the legal advice that I received quite difficult to understand but I am going to need to sit down with other lawyers to make sure I have understood, precisely, what we need to do and then the correct tests can be applied. It is not a Tipp-Exing issue at all in this particular case.

3.10 The Deputy of St. Ouen:

As the Minister is a member of the Children's Policy Group, I would like to ask the Minister what efforts will he make to ensure that all of the actions, as identified in the Implementation Plan, which has recently been produced, will, in fact, be effected and within the time scales identified.

Senator B.I. Le Marquand:

I think it is fair to say that most of the actions in relation to the most recent report, I assume it is the most recent report - the Scottish ladies - falls within the remit of the Minister for Health and Social Services but the other 2 Ministers have a general oversight here and this is clearly now on our agenda for meetings regularly and we will take joint responsibility in ensuring that things are taken forward. Although, as I say, it does, primarily, lie in the area of one Minister.

3.10.1 The Deputy of St. Ouen:

So does the Minister believe his hands are tied even though he is part of the Children's Policy Group, that he is reliant on the Minister for Health and Social Services to, indeed, deliver a lot of the recommendations?

Senator B.I. Le Marquand:

I think that is inevitable. The nature of the Children's Policy Group, obviously, has work which cuts across 3 different Ministries. Obviously, the Minister in any individual area has the primary responsibility. The same would apply, shall we say, in relation to the prison. If it is in a prison, where it is my area of responsibility, or vetting and firing ... sorry, that is not a good example. Matters related to the Public Protection Unit, where it is my responsibility in relation to that. But, I think we have accepted a joint role and responsibility in relation to this although the primary responsibility for delivery must remain within the specific area of a Minister. Unfortunately, there is no other way of doing this and it is an improvement on the previous system where 3 Ministries operated separately without co-ordination.

The Deputy of St. Ouen:

Another supplementary with regard to the question?

The Bailiff:

I think you have just had 2. I think I will go to one other Member I can see and I see another one now. I will come back to you if there are no other Members.

3.11 Deputy T.M. Pitman:

Is the Minister aware of an individual walking into a police station with a dangerous catapult and knives, handing himself in? Is the Minister aware that apparently the case was dismissed of having an offensive weapon and is there any justification for that?

Senator B.I. Le Marquand:

I am sorry, I am not aware of the particular case. If this was a matter that came before the courts and was then dismissed, I do know what the correct test in law is in relation to that but that is not really within my area as Minister for Home Affairs.

3.12 The Connétable of St. John:

I had one question I was going to ask but I have changed my mind on that one. Will the Minister give us details of what his workload is this coming week and how many meetings he has got to attend, please?

Senator B.I. Le Marquand:

Well, of course, this is a quiet week because the Minister keeps Wednesdays and Thursdays apart but I have a meeting at lunchtime to do with [Laughter] the Police Location Group. Tomorrow I kept clear but I will now have, hopefully, some time. Thursday I have kept clear. Friday I have a

meeting with Senator Bailhache in relation - and I had hoped Senator Le Gresley, but that may not be possible - to the Committee of Inquiry on the historical abuse matters.

The Bailiff:

Well, I think this is taking up a lot of time.

Senator B.I. Le Marquand:

Yes, I am sorry. [Laughter]

Deputy T.M. Pitman:

Can the Minister circulate his diary in an electronic format to all States Members?

3.13 The Deputy of St. Ouen:

I would like to ask the Minister would he undertake to work with the other Members of the Children's Policy Group to determine which Minister would have overall responsibility for the various actions - each action - contained in the Implementation Plan so we can have greater transparency and accountability in moving forward?

Senator B.I. Le Marquand:

Well, this Minister does not like giving undertakings but I will certainly work with my colleagues. I am under the impression that most of what is there is in the ambit of Health and Social Services but if there is anything in Education and in Home Affairs we will need to ensure that it is actioned by the particular Minister.