

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

### **The Deputy Bailiff:**

That brings question time to the Minister for Economic Development to an end. We now have questions for the Deputy Chief Minister. The Connétable of St. John.

### **5.1 The Connétable of St. John:**

Given that the new police headquarters has been passed and the press release has been put out, is it the intention of the Minister to return to the Chamber for a debate about the parking in the area, given that we are going to be losing most of Green Street for a considerable period?

### **Senator B.I. Le Marquand (Deputy Chief Minister - rapporteur):**

I have not seen the permit but I very much welcome the decision which has been made by the Minister for Planning and Environment today. It is my understanding that that would include a condition ... I have not seen the permit but my understanding is that it would include a condition that there would be an additional half a storey of parking accommodation built on the neighbouring Green Street car park. That is the condition that I was anticipating though I have not seen the permit.

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

I wanted to ask the proper Chief Minister about how more and more of his Ministers are attacking Members, calling them liars, in effect. However, with data protection, I believe this comes under the Chief Minister's office so when one considers the answer to question 8, could the Deputy Chief Minister tell us who is responsible for the huge amount of public money that has been spent on this secret case against former Senator Syvret because it far outstrips the Data Protection Officer's budget and no one is answering any questions on it, even though the Attorney General did tell us that they had to go to his department for more money.

### **Senator B.I. Le Marquand:**

It is not unusual for the court to be asked to consider whether or not it should sit in camera in relation to a matter. If it is asked to do that, it will consider that and will make a judicial decision. So the use of the word "secret" in relation to any set of legal proceedings is, I think, a misnomer if a decision has been made to sit in camera. The constitutional position of the Data Protection Registrar is, of course, protected in relation to their independence. They have to have a degree of independence in order to function because they may have to make decisions which affect the Chief Minister's Department or other Ministries or the States of Jersey, *et cetera*. I am not able to comment on any particular case, firstly because I do not have knowledge of it and, secondly, it does not seem to me that that would be right.

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

Supplementary. How does a Member go about finding out about this case because it seems no one will talk about it? It is hundreds and hundreds and hundreds of thousands of pounds of taxpayers' money and there is an injunction stopping people talking about that case. Is this democracy and why are we giving money, as I said, to people, including convicted criminals?

### **Senator B.I. Le Marquand:**

The Data Protection Registrar has duties under the law to assist people whose rights are being infringed. I can only assume, although I have no direct knowledge of this matter, that that is what is occurring in relation to this case. I have no knowledge whatsoever of what costs may or may not have arisen from the case.

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

In fact, Deputy Pitman stole my question but what I would say is I do think it is an appalling state of affairs that, in this Island, cases can be brought before a court- except in family matters or matters of that sort- which are not in the public area. There are matters of public importance here because of the people who were assisted by the Data Protection Commissioner. The public have no knowledge whatsoever of how much was spent on this case or anything surrounding it and that is not justice. Justice should be seen and we should also know what the cost is because it is the public that is paying it. Does the Minister not think that it is totally unacceptable that information should be withheld, not only from this House, but from the public on the cost and the administration of justice?

**Senator B.I. Le Marquand:**

I have to disagree with the Deputy on the first point. It is quite right and proper that in certain cases that matters be held in camera. That is particularly so in cases where publicity of the event might, in fact, have the same negative effect as the matter which is being attempted to be avoided or, indeed, cases where monies are being pursued across jurisdictions where you do not want the people who have wrongly got the money in the first place to know what is happening. The question in relation to access to information as to what costs may or may not have been incurred in relation to a matter is an interesting question. It may well be that it will depend upon the circumstances and it will depend upon the exact timing of the matter. My own view is that there may well be a public interest in knowing what sort of sums may have been spent on a particular matter but without knowing the details of the facts of the matter, it is difficult for me to comment. All I think I can say properly is that there may well be a public interest in that.

**5.4 Deputy M. Tadier:**

Does the Deputy Chief Minister think that there is a difference between holding some of the proceedings in camera and the knowledge that a case is taking place because that is what has happened here? We have had a case that has been before the court. I believe the court has made its decision. We do not know what the decision is. We do not know that the case took place in the first place. We have had to sort of scratch around trying to find information. That is not good for democracy. Does the Minister not agree?

**Senator B.I. Le Marquand:**

I take the view that the interests of justice prevail here and that is the view that the courts would take. Courts are reluctant to sit in camera for that very reason but there are cases in which that is necessary in order to do justice to the parties and that principle I would very strongly uphold.

**5.5 Deputy R.G. Le Hérissier:**

Would the Deputy Chief Minister confirm whether a protocol exists in the Council of Ministers which would prevent Ministers making statements on planning decisions that are outside of the protocols observed by members of the public in commenting upon such decisions? Would he not also accept that clear conflicts when such expressions are made must be announced, for example, that the Minister in question may play a major role in having political responsibility for the States major development company?

**Senator B.I. Le Marquand:**

I am afraid that question has completely defeated me. I am completely unable to understand it.

**Deputy R.G. Le Hérissier:**

Was it right that the Minister for Treasury and Resources commented on a planning application at the very last minute when he is holding political responsibility for the Jersey Development Company?

**Senator B.I. Le Marquand:**

I am so sorry, I am working my way towards this one but I got side-tracked by the comments which were made on the Co-op so I think this must be a question in relation to comments made in relation to a planning application on the Esplanade. I wonder if the Deputy could confirm that so that my mind is accurately targeted.

**Deputy R.G. Le Hérisier:**

It relates to comments made, as I am sure the Minister will now acknowledge, on the Co-op application but there is a bigger issue of principle behind this.

**The Deputy Bailiff:**

You cannot use up your time by thinking. [Laughter]

**Senator B.I. Le Marquand:**

I am sorry, Sir, my brain is working but I am not coming to any useful conclusion. [Laughter]

**The Deputy Bailiff:**

I think there is no answer to that, Deputy Le Hérisier. Deputy Southern.

**5.6 Deputy G.P. Southern:**

I thought we were never going to get to it. Following the commissioning of the Capital Economics Report on the value of Jersey to the City of London, will the Deputy Chief Minister state who paid for the report, how much did it cost and who are the backers or sponsors of Capital Economics?

**Senator B.I. Le Marquand:**

The report was commissioned by Jersey Finance. Who ultimately paid for the report I do not know. My understanding is that Capital Economics are an independent firm of economists, as their name suggests.

**5.6.1 Deputy G.P. Southern:**

But you will come back to me with confirmation of those 2 factors, who paid and who are the sponsors?

**Senator B.I. Le Marquand:**

I do not think there is a problem in indicating who ultimately paid for the report.

**5.7 The Connétable of St. Lawrence:**

A member of the public recently paid to attend a conference in order to gain access to a number of Ministers. What inquiries has the Chief Minister made to establish the validity of the claims that this gentleman had been unable to speak to the Ministers?

**Senator B.I. Le Marquand:**

I am unable to answer that question because it is asking me to have knowledge of what is in the mind of the Chief Minister, which I do not have.

**5.7.1 The Connétable of St. Lawrence:**

No, it is not asking the Deputy Chief Minister to have knowledge of what is the mind of the Chief Minister but rather it is asking him to speak about the actions that the Chief Minister took following the assertions that this gentleman had been unable to reach Ministers.

**Senator B.I. Le Marquand:**

I do not know.

**5.8 Deputy S. Power:**

Does the Deputy Chief Minister acknowledge that a duty of care is required by senior civil servants and States employees by the States and by the States Employment Board when they are named in national newspapers with allegations against them and, indeed, in local social media circles?

**Senator B.I. Le Marquand:**

I agree that there is a duty of care owed by the States of Jersey as a good employer but it is quite difficult to know how precisely to exercise that duty of care because of the nature of social media. That has been something which has exercised successive States of Employment Boards and other Ministers for some time.

**5.9 Deputy M. Tadier:**

Does the Deputy Chief Minister think that it is irresponsible for an Assembly to try and base a future electoral system on a fundamentally unfair model?

[12:15]

**Senator B.I. Le Marquand:**

My own views are well known in relation to this matter but as I am answering today as Deputy Chief Minister, I do not think I can properly answer the question.

**5.9.1 Deputy M. Tadier:**

If I press the Deputy Chief Minister, purely objectively speaking, it is a simple question. As a principle, is it desirable for any government to put forward a system which fundamentally and statistically provenly disenfranchises and undervalues the votes of huge swathes of the urban population of its own Island? As a principle, is that something that any democracy should be following?

**Senator B.I. Le Marquand:**

That is not a principle that one would expect a responsible democracy to follow but in the Council of Ministers we have a completely free vote on this matter. These are not matters which are part of the Chief Minister's policy as Chief Minister or policy of the Council of Ministers.

**5.10 Deputy S. Pitman:**

Can the Deputy Chief Minister explain why the Justice Select Committee did not meet with the public, given that taxpayers pay for their work?

**Senator B.I. Le Marquand:**

I do not believe that taxpayers did pay for their work. As I have already indicated, it is my understanding, and that is my briefing, that they paid their own costs both in coming to the Island and their hotel costs. I have to say that it is entirely a matter for them. They are an independent body, part of another sovereign parliament. It is entirely for them to decide how they proceed.

**5.10.1 Deputy S. Pitman:**

Does he not think that the Justice Select Committee could have been advised by Jersey Government that certain public bodies would have been ... it would have been helpful if they had met certain bodies, for example, the Care Leavers' Association, which has particular knowledge on certain justice issues?

**Senator B.I. Le Marquand:**

I do not think that it would have been appropriate for the Chief Minister or his department or the Council of Ministers to try to tell a body such as this how they should or should not proceed.

**5.11 Deputy R.J. Rondel:**

Would the Deputy Chief Minister please advise his colleague in a question earlier on I posed to the Minister for Economic Development, that it was in no way loaded and in an effort to be helpful, the Parish of St. Helier are having a rather large event on July 20th and 21st in which we are hoping to draw many thousands of people to and I would suggest we are happy to offer him a pitch free of charge in order to help sell some of those lottery tickets. **[Laughter]**