

5. Questions to Ministers Without Notice - The Chief Minister

5.1 Deputy G.P. Southern:

I note that despite an answer to written question 14 today, we still have no sign of any definition of aggressive tax avoidance, and therefore we are reliant on court or tribunal decisions obtained by H.M.R.C. (Her Majesty's Revenue and Customs) in the U.K., i.e. we wait for something like 3 years for a case to go through the U.K. courts and for people to be found guilty of aggressive tax avoidance, and yet we sit and wait and we have no definition of aggressive tax avoidance at all yet from our own Sound Business Practice Committee. When will that definition appear?

Senator I.J. Gorst (The Chief Minister):

I have answered many questions on this subject and as the Deputy rightly points out in the basis of his question that these are U.K. schemes and it is largely for the U.K. in their legislation to deal with them and we need to make sure that we are supporting that. The Deputy knows that the Sound Business Practice Committee is considering it and I am hopeful that in due course, they will come forward with a comprehensive policy and proposal to be able to clarify the situations that the Deputy is concerned about and that we, as Government, are concerned about.

5.1.1 Deputy G.P. Southern:

Would the Minister like to state what he considers, "in due course" because this is a series of questions now over months and we still do not have a definition of the abusive tax practices that the Chief Minister is committed to observe?

Senator I.J. Gorst:

I did not give a date on purpose. The work is being undertaken and it will be completed as soon as is possible. In the meantime, the Assistant Minister with responsibility for financial services and myself continue to engage, encourage and ensure that Jersey is not used for tax evasion or for abusive schemes.

5.2 Connétable J. Gallichan of St. Mary:

Referring to the answer to my written question number one today, whereas previously I had hoped that we would be getting a report by the end of 2014, which would enable scoping of a meaningful living wage, unless I have misread the answer, that has now shifted to the end of 2015. There would be no hope of any work starting on this proposal until at least 2016. Firstly, is my understanding correct and does the Chief Minister think that slip of a year is acceptable?

Senator I.J. Gorst:

I am just trying to look at the question. It is a complicated timetable and some pieces of work that will need to feed into that will be completed earlier than others. I think the thing that will take a length of time, which is going to take longer than we thought, is the household income distribution survey and that starts this year, but it takes a long time to complete. These are complex pieces of work requiring detailed and thorough research, but they are needed in order to develop what might be required to deliver what would be considered a living wage.

5.2.1 The Connétable of St. Mary:

Supplementary, Sir? I completely understand what the Chief Minister is saying but surely what we are looking at there are updates and a bringing up to date of the figures from those

surveys. Surely the principles outlined are already known and could we not already be doing the groundwork?

Senator I.J. Gorst:

That is why we will have an interim report brought forward by the end of this year.

5.3 The Connétable of St. Lawrence:

I asked the Minister for External Relations a question a moment ago regarding our policy towards countries that breach international human rights. The reason I asked that was I was unable to tell a constituent recently what the policy of the Council of Ministers is towards such countries. Will the Chief Minister now confirm to me what his Council's policy is?

[12:00]

Senator I.J. Gorst:

The Minister for External Relations, I think, articulated the policy eloquently and I am not sure that I can add to it. As he correctly said, it follows the U.K. policy ... as the Connétable will know, largely, the U.K. is responsible for our foreign affairs, although that has changed over the last number of years. Perhaps it might be helpful if I were to try and write it down for the Connétable as an addendum to the Common Foreign Policy of the Council of Ministers, which of course has been discussed and agreed by the Council of Ministers. The only other thing I could say perhaps in light of that question is that the policy that we are aligned to, which is the British policy; if we look at their 2012 report from the Commonwealth Office of the Annual Human Rights and Democracy Report, it shows that their policy is working.

5.4 Deputy C.F. Labey of Grouville:

If the Interim Population Policy is not agreed by the States Assembly in this session, could the Chief Minister explain which policy the H.A.W.A.G. (Housing and Work Advisory Group) operate under to control the population?

Senator I.J. Gorst:

That is a very good question. I believe that a policy needs to be issued in order to enable a thorough understanding of how the law is being administered by the H.A.W.A.G., the former Migration Advisory Group, of which the Assistant Minister's Minister sits on and makes decisions week in, week out and therefore a policy statement is extremely important. That is why the Interim Population Policy is extremely important. I gave a commitment at the start of this government that I would bring that policy to this Assembly for debate and that is what we are doing today, I hope, having an Interim Population Policy debate. Should that not be debated, which is being suggested by the Scrutiny Panel, I believe the Minister, which is me in this case, will have to issue a policy.

5.4.1 The Deputy of Grouville:

Is the Chief Minister therefore suggesting that there is currently no policy in place or even guidelines to control the population?

Senator I.J. Gorst:

No, there is the Strategic Plan in 2012 but it is right that this more detailed policy directs the way that the law is being operated and I would have thought that Members of this Assembly want to be involved in what is, I believe, a fundamentally important issue to the community at large.

5.5 Deputy S.Y. Mézec:

This question follows a meeting I had with the Jersey Human Rights Group last evening, where we heard something quite interesting. Does the Chief Minister think it is acceptable for taxis, restaurants and pubs to deny someone entry or service because they are accompanied by a guide dog? Would he support a law outlawing such a practice and does he think that more needs to be done to make the Island more accommodating for people with visual impairments?

Senator I.J. Gorst:

I have to say first of all that I am surprised that any proprietor of any of those services would be refusing that service [**Approbation**] to anyone who had the need for animal support, be they visually or hearing impaired individuals. I would have thought that common sense should be able to deal with that issue. I am surprised to hear that it is a concern and I would be pleased to receive correspondence from the Human Rights Group to see whether it is necessary that legislation should be enacted. I would have thought that every Member of this Assembly would expect that all those proprietors would welcome those individuals into their premises or being delivered by a taxi service and I am not aware of any legal impediment to them doing so.

5.6 The Connétable of St. John:

For a considerable time, the Chief Minister and the Minister for Treasury and Resources have claimed that action by Harcourt and other parties against the States would not impede on the development of the Esplanade Quarter. Yet the Royal Court judgment came out on 9th April, the day that R.B.C. (Royal Bank of Canada) walked away from the contract and gave it to Dandara. Does the Minister still believe that any court action by the 5 plaintiffs will not impede on the Esplanade Quarter in the future?

Senator I.J. Gorst:

I do not have any information that would make me aware of anything other than that the previous position is still the position.

5.6.1 The Connétable of St. John:

Given that the Chief Minister and the Minister for Treasury and Resources, along with J.D.C. (Jersey Development Company) now sit around the table ... or should they not be sitting around the table with the plaintiffs to try and resolve the issue instead of going all the way through a long, lengthy court action ...

The Bailiff:

This is an ongoing piece of litigation, so I am not sure that it is appropriate to discuss this in the Assembly.

The Connétable of St. John:

Am I being denied the opportunity to continue, Sir?

The Bailiff:

Yes, because this is ...

The Connétable of St. John:

You are cutting me off at the knees, Sir? Thank you.

The Bailiff:

Sorry, Connétable. You are going to get shorter. [Laughter]

5.7 Deputy M. Tadier:

Will the Chief Minister state whether or not it is normal practice in other jurisdictions when a delegation is sent for business purposes for their finance marketing body or equivalent to be accompanied by the regulatory body at the same time?

Senator I.J. Gorst:

I cannot say whether it is normal practice or not. I was recently accompanied on a Chief Ministerial visit with a representative of both the marketing body and the regulatory body and an agreement was signed between the regulatory body of the country that we were visiting. I see that if it is not normal practice, I think it is good practice because when we are doing business in other jurisdictions, those jurisdictions and those companies want to know that we are meeting the highest regulatory standards and the only way that that can be done can be through conversation rightly regulator to regulator.

5.8 Deputy T.A. Vallois:

Following the publication last year of the Comptroller and Auditor General's report on the Audit Office for Jersey, could the Chief Minister provide an absolute certainty on the date for lodging of the Audit legislation for the Jersey Audit Office due before this Assembly and confirm whether he is in fact satisfied with the way that the Chief Executive and Treasury have handled this matter so far?

Senator I.J. Gorst:

This is a matter that has taken too long and I am grateful for the ... I will use the word, "encouragement" of the Deputy to help move it forward. Perhaps encouragement is a gentle word. The Deputy, as I understand it, has been given an assurance that the legislation will be lodged by 2nd June. I am not satisfied with that date and I have asked that it could be brought forward 2 weeks to ensure that it is not being debated at the last States sitting. There have been some difficult issues. There is one clarification needed from the Comptroller and Auditor General about the appointment of the oversight panel and then we should be in a position to lodge, but I am aiming to improve on the undertaking that has been given to the Deputy.

5.8.1 Deputy T.A. Vallois:

A supplementary? I thank the Chief Minister for answering. My Public Accounts Committee does as well. In terms of the assurance that I have been given today, the Chief Minister and I were both assured back in October in minutes by his own Chief Executive that this would be lodged by March this year. How can I even take an assurance today by the Chief Minister that June will be the case and that this will not carry over until next year?

Senator I.J. Gorst:

I accept the difficulty that the questioner is in. I know and I have communicated with the Minister for Treasury and Resources and I apologise for the delay that this piece of work has taken. It is absolutely imperative that it is completed in this session of the Assembly and I will ensure that that happens.

5.9 Senator L.J. Farnham:

Not so long ago, the States agreed to a transfer of functions, responsibility for the finance industry from Economic Development to the Chief Minister's Department. Can I ask how

that is working out and what new work is being undertaken and what benefits are being delivered as a result?

Senator I.J. Gorst:

It is working very well indeed. This morning I am pleased to see that the other side of that equation, the Minister for Economic Development was asked about the reform programme, for which he is now political lead, of course, as he said, with political oversight with other colleagues as well. The new Assistant Chief Minister with responsibility for financial services is, as we might say, pounding the streets, working to engage businesses to bring businesses to Jersey, is also ensuring that the work arising out of the Strategic Review is delivered and making sure that deadlines are met, is supporting the Sound Business Practice Committee and we, I believe, are making good progress. We can be optimistic about the future of financial services in Jersey because we are not taking it for granted, which has happened in some cases in the past.

The Bailiff:

I am afraid that brings Questions Without Notice to the Chief Minister to an end.