

**WRITTEN QUESTION TO THE MINISTER FOR TREASURY AND RESOURCES  
BY SENATOR S.C. FERGUSON  
ANSWER TO BE TABLED ON TUESDAY 17th JUNE 2014**

**Question**

Given that there are 13 Ministerial decisions for 2014 for the Treasury and 6 for Property Holdings which have not been listed on the gov.je website, would the Minister provide a list, including titles of these decisions and the reason for their exemption from publication?

**Answer**

When a draft Ministerial Decision is prepared in Treasury and Resources it is first loaded onto the Livelink system where it is reviewed for appropriateness by officers at the States Greffe. At this stage it is allocated an MD number. The States Greffe process includes the approval (or otherwise) of a proposal that a decision is considered to be exempt from publication under the Code of Practice on Access to Information held by the States, Committees of the States and Departments of the States. Not every decision that is loaded in this way progresses to full signature by the Minister. This may be, for example, because an alternative course of action may have been identified. Furthermore, a draft decision loaded onto the system may be complex and may take some time to progress to formal signing by the Minister. It may, therefore, appear chronologically after earlier numbers. Numbers which appear to be “missing” may, in fact, be simply pending signature. It is therefore not accurate to assume that any Ministerial Decision numbers listed on the gov.je website equate to signed, exempt decisions.

Ministerial Decisions that have been approved as “exempt” by the States Greffe are exempt from publication for a valid reason. This means that publication of the Decision Summary Title in itself could be undesirable, for example where negotiations relating to specific properties are still ongoing. However, to be helpful, information has been provided below where it has been possible to do so.

The following Ministerial Decisions are ‘missing’ from the sequential listing on the gov.je website. A full listing has been provided as it was not possible to reconcile to the number of decisions mentioned in the Senator’s question. The tables below set out those decisions and where applicable, the reasons for exemption. “Number not used” includes both decisions which did not progress to formal signature and those pending formal signature.

<b>Decision Reference</b>	<b>Date of Decision</b>	<b>Decision Summary Title</b>	<b>Reason/Exempt category</b>
<b>Treasury</b>			
MD-TR-2014-0005	Number not used		
MD-TR-2014-0009	Number not used		
MD-TR-2014-0014	Number not used		
MD-TR-2014-0016	17 March 2014	[ ] Housing Trust Borrowing for [property]	Exempt - Commercial confidentiality
MD-TR-2014-0026	Number not used		
MD-TR-2014-0027	25 May 2014	[Internal reallocation of funding]	Exempt - Premature release of policy
MD-TR-2014-0029	Number not used		

<b>Decision Reference</b>	<b>Date of Decision</b>	<b>Decision Summary Title</b>	<b>Reason/Exempt category</b>
MD-TR-2014-0030	3 April 2014	Funding for [external] Review	Exempt - Premature release of policy and damage to interests of the Island
MD-TR-2014-0035	28 April 2014	Proposal for PECRS to invest in a new [] Fund	Exempt - Commercial confidentiality
MD-TR-2014-0037	Number not used		
MD-TR-2014-0039	Number not used		
MD-TR-2014-0042	Number not used		
MD-TR-2014-0043	Number not used		
MD-TR-2014-0045	25 May 2014	[Fund] Investment Strategy	Exempt - Commercial confidentiality
MD-TR-2014-0046	25 May 2014	[Fund] Investment Manager and Investment Strategy	Exempt - Commercial confidentiality
MD-TR-2014-0047	Number not used		
MD-TR-2014-0049	Number not used		
MD-TR-2014-0050	Number not used		
<b>Property Holdings</b>			
MD-PH-2013-0218	19 December 2013	1, Don Terrace, St Helier – Sale	Public – signed in 2013
MD-PH-2013-0221	Number not used		
MD-PH-2014-0013	17 February 2014	Authority to Negotiate the Acquisition of [property]	Exempt - Commercial confidentiality
MD-PH-2014-0019	18 February 2014	Marine Lake Project – Lease of West Park Bunker and Licence of Lake Structure	Public – Greffe include on website in 2013 listing
MD-PH-2014-0046	Number not used	Piquet House Proposed sale - confirmation decision	Not progressed due to States decision P16/2014
MD-PH-2014-0092	4 June 2014	Proposed Development of [property]	Exempt - Commercial confidentiality

Some detail has been withheld to protect the exemption criteria.

The number of exempt decisions should be placed in the overall context of the number of decisions processed. The percentage is small and the presumption is always toward publication unless exemption is essential.

#### Treasury

Year	Exempt (signed)	Number not used	Total numbers used
2012	23	5	121
2013	28	11	120
2014	6	12	51

Property Holdings

Year	Exempt (signed)	Number not used	Total numbers used
2012	9	8	132
2013	6	3	225
2014	2	2	95