



Corporate Services Scrutiny Panel

Draft European Union Legislation (Implementation) (Jersey) Law 201- (P.164/2013)

Public Hearing with Minister for External Relations TUESDAY, 11th MARCH 2014

Panel:

Senator S.C. Ferguson (Chairman)
Deputy J.G. Reed of St. Ouen
Connétable D.W. Mezbourian of St. Lawrence
Deputy R.J. Rondel of St. Helier

Witnesses:

Senator Sir P.M. Bailhache (The Minister for External Relations)
Mr. T. Walker (Director of International Affairs)
Mr. M. Entwistle (International Relations)

[14:00]

Senator S.C. Ferguson (Chairman):

Good afternoon, Minister, lady and gentlemen. Or is it Connétable and gentlemen. Welcome to this meeting of the Corporate Services Scrutiny Panel, looking at P.164, the Draft European Union Legislation Law, which is currently under debate in the Assembly. First of all I think I should bring your attention to the health warning which is there, Minister, gentlemen. You have probably read it umpteen times before but a bit like the aircraft safety regulations, we have to mention it every time. Also, for the gentlemen of the press and public, and Members of the Assembly. Looking at the current situation and the procedures, Minister, we understand that the 1973 law provides that the arrangements for the Channel Islands set out in E.U. (European Union) treaties will have legal effect in Jersey. What does that mean, practically speaking? What arrangements have legal effect?

The Minister for External Relations:

I suppose the broad answer to that question is that anything which is covered by Protocol 3 is European legislation which either has a direct effect in the Island, or which the Island has an obligation to implement.

Senator S.C. Ferguson:

For the purposes of completeness, Protocol 3 covers?

The Minister for External Relations:

Protocol 3 covers the customs territory of the European Union, and freedom to trade in goods.

The Deputy of St. Ouen:

Can I ask, are matters solely covered by Protocol 3, or are there other matters that sit outside Protocol 3 that may be included and have legal effect in Jersey?

The Minister for External Relations:

Is the question whether we sometimes implement provisions which do not fall within Protocol 3?

The Deputy of St. Ouen:

Exactly.

The Minister for External Relations:

Yes, occasionally we do give effect to European rules which do not fall within Protocol 3 because the decision has been made that it is in the Island's interests to do that.

The Deputy of St. Ouen:

Who would make those decisions?

The Minister for External Relations:

Usually it is the States who make that decision by making Regulations to give effect to those rules.

The Deputy of St. Ouen:

And unusually? You say usually it is the States?

Deputy R.J. Rondel:

Are there any exceptions to that?

The Minister for External Relations:

I am not sure that there are any rules that are given effect to of that kind by Ministerial Order. No, they would be Regulations made by the States.

The Deputy of St. Ouen:

Thank you.

Deputy R.J. Rondel:

Just to be clear, there is no way a Ministerial Decision could be made without the States having the final say?

The Minister for External Relations:

Are we talking about the proposed law or are we talking about the existing law?

Deputy R.J. Rondel:

Well, the existing and proposed. Is there a difference between the two?

The Minister for External Relations:

The existing law enables the Minister to make Orders in relation to sanctions, regimes, in order to give effect to either resolutions of the United Nations or regulations made by the European Union in relation to sanctions. Yes, in that respect the new law simply replicates what is there already.

Senator S.C. Ferguson:

How do you know or identify when an item of European legislation requires implementation in Jersey?

The Minister for External Relations:

Are we talking outside the sanctions regime? When a sanctions regulation or resolution is made it is obvious that the Island has an obligation to implement that sanctions regime. At the moment that is generally done by Ministerial Order. So far as the broader question of European rules is concerned, it may be drawn to the attention of the Executive any number of different ways.

Senator S.C. Ferguson:

For instance, if we go back to just sanctions, how are those notified to your office?

The Minister for External Relations:

Perhaps Mr. Entwistle could answer that.

International Relations, Chief Minister's Department:

Certainly. Normally we are advised the E.U. regulation has been made by our Channel Islands Brussels Office, and we have other sources of information but that is the official line, as it were. Then once we are aware that the regulation has been published then Jersey is able to consider whether or not we wish to give effect to that regulation in Jersey.

The Deputy of St. Ouen:

Can I ask what process was followed before we had a Channel Islands Brussels Office?

International Relations, Chief Minister's Department:

I would be looking regularly at the Official Journal of the European Union on the internet.

The Deputy of St. Ouen:

So we have someone in Brussels that now does that?

International Relations, Chief Minister's Department:

Yes.

The Deputy of St. Ouen:

That is how information is conveyed? There is no exchange of letters or...

International Relations, Chief Minister's Department:

No, it is very effective and reliable to rely on our officials in Brussels.

The Minister for External Relations:

Occasionally one might find that in relation to a particular regime H.M. Treasury in the United Kingdom would have an interest in knowing whether Jersey had implemented a particular sanctions regime. Indeed, we may come on to this in due course, but in relation to the recent order that was made to give effect to sanctions on certain individuals and bodies in the Ukraine, there was obviously an interest in the United Kingdom as to whether Jersey was able to move swiftly to implement that particular regime.

The Deputy of St. Ouen:

If one is relying on being able to identify items that need to be dealt with at a local level on individuals looking at a website, what would happen if we did not notice that there was a particular item that required our attention? What would happen then? Because I am sure we are not fool proof and 100 per cent perfect.

Director of International Affairs:

The European Union law making process, like a lot of national parliaments, is a very transparent process so you can see the draft law in preparation. In terms of seeing what they are doing, it is not a secret society, so they do publish all of the information on the internet now. Previously they used to publish all the information in paper form. So providing you have someone who is sufficiently knowledgeable, it is quite straightforward to work your way through that and to identify which items of law that they are passing are relevant and which are not. In terms of what happens if something gets missed, I think that the States Assembly has dealt with instances like that in the past. I think you have had things come to you in years gone by where perhaps the people responsible, the officers, have said: "Well, we missed this at the time because we did not have a Brussels office in place at that time. We perhaps should have spotted it a year or so ago, but now we are bringing it to your attention." As States Members you may sometimes see that, hopefully more so in the past than nowadays. But I think that in the past that has happened, inevitably, in the system.

The Deputy of St. Ouen:

I suppose the question then follows that if there is not an urgency around the implementation of all E.U. legislation that required our attention - because, as you say, there may be occasions that we miss it - why do we need to be more proactive? Why are we now changing the law and saying: "Forget about what has happened in the past, the Minister needs to be able to deal with it in a much more timely fashion."

Director of International Affairs:

I will maybe let Mr. Entwistle deal with that question in relation to sanctions. But in relation to Protocol 3, and instances in the past where things have been missed, Protocol 3 commits the Island to being part of the E.U., effectively, for items around trading goods and animals and fish and veterinary rules. Occasionally the European Union passes laws which do not have much relevance for us because perhaps we do not have that particular form of animal, perhaps we do not trade in that particular good, and so there is a piece of work done later on to bring the Island up to date with its obligations and that is fixed retrospectively. That has certainly happened in the past. But I think that type of situation where neither the European Union or Jersey is going to worry too much about a small piece of legislation, having been overlooked at the time because it did not have much relevance for us, put in place later is quite different to something like the sanctions regime.

International Relations, Chief Minister's Department:

Just to give an example perhaps, if the E.U. was to introduce regulations around safety in railways, for example, clearly that would have no relevance to Jersey whatsoever.

The Deputy of St. Ouen:

I appreciate that. That is obscure. But following the comments that Mr. Walker made regarding the fact that in the past things have been missed, and obviously once we have picked them up they have been dealt with, but maybe a year or two later. I am just trying to get my head around if that was acceptable then, why are we trying to sort of speed up the process?

The Minister for External Relations:

I think the answer is, it is never acceptable, is it? If we have an obligation to comply with a particular rule then we ought to do our best to comply with it because we make a great point of saying that we respect international rules and international standards and we ought, therefore, to give effect to them.

The Deputy of St. Ouen:

If you are right we need to be very, very clear about the limit and the extent to which we manage the E.U. legislation.

The Minister for External Relations:

Yes, that is absolutely right. We need to be quite clear both what we are obliged to do and, if we are not obliged to do it, why we want to implement something which we are not obliged to do.

Deputy R.J. Rondel:

Mr. Walker mentioned that legislation in progress is publicly available. Is there anything available on our own Government website that directs us to that area if members of the public wish to source it?

The Minister for External Relations:

That is a good question.

International Relations, Chief Minister's Department:

I think the policy that we take in this is in fact the Jersey Financial Services Commission publishes a comprehensive website on sanctions and we have relied very much on them providing that information to the public in that particular area.

Deputy R.J. Rondel:

Is there anywhere on our Government website that directs us to the Financial Services for that?

International Relations, Chief Minister's Department:

Yes, indeed, we have a link on sanctions to the J.F.S.C. (Jersey Financial Services Commission).

Director of International Affairs:

But that is in relation to sanctions. Again, I think we are mixing our topic so I am never quite sure what is the basis of the answer.

[14:15]

But on sanctions it is very clear, the website's points which are that it has to be clear because industry needs to know exactly where to look. On the broader question of do we try and point people from the gov.je website to the EUR-LEX website of European law, no, I do not think we do. I am not sure it would help people that much because the applicability of Protocol 3 requires a certain amount of judgment and expertise and on some matters of law we have to seek the advice of the Law Officers before we can know for certain whether a piece of law applies to us. So the E.U. does not present their own legislative base in that way. It is designed really for the citizens of Member States and so the information is divided up in a way that assumes that you are a full member and you can see the different categories. It does not enable you to very easily pull out just Protocol 3.

Senator S.C. Ferguson:

Okay, if we can carry on. What consultation do you undertake with the Council of Ministers before signing an Order?

The Minister for External Relations:

A sanctions Order?

Senator S.C. Ferguson:

Well, what sort of Orders can you sign? What purposes do you sign Orders for then? Let me backtrack a second. Orders can only be signed for what?

The Minister for External Relations:

Well, Article 2 of the draft law says that the Minister is entitled to make an Order, if it seems to him necessary or expedient, either for giving effect or giving further effect to an E.U. provision that is directly applicable in or binding upon Jersey. So if something applies to us under Protocol 3, but there are aspects of that rule or measure that the European Union has taken which are not covered in the European rule - for example, penalties, if you fail to comply with a particular European rule - then it is usual to make an order which says anybody who fails to comply will be guilty of an offense and liable to a fine of £2,000 or whatever it may be. So there is that aspect of the Order-making power, which is to make further provision where Protocol 3 dictates that a particular provision applies to us. Then the second provision is to give effect to sanctions which is probably the most important aspect of the Order-making power of the Minister for External Relations, and used to be of the Chief Minister. I was provided with some figures, which I have here, but I think in the last year 25 per cent of the Orders - all the Orders made across the public administration - related to the implementation of sanctions and regimes.

Senator S.C. Ferguson:

But you can also do Orders in relation to money laundering?

The Minister for External Relations:

Not under this law, no.

Director of International Affairs:

There is a separate law for money laundering, which is a separate matter. But I suppose to draw back to your broader question; I think that items need to go back to the Council of Ministers where they fall outside of an existing policy or existing commitments. So if something is clearly within either the common policy for external relations that Council has agreed, or within the framework of a piece of law which the Assembly has agreed, or sits within a policy that the Council have

separately agreed, then that agreement has been done. So, for example, on Protocol 3, that takes you all the way back to a prior decision. The Council could not decide not to comply with commitments that were made under Protocol 3. So, in a sense that is not really a Council decision to make so it would not go back. But if there was a new piece of law which was particularly novel which the Council had not decided upon or the States had not decided upon previously, and it represented a new policy decision, then that would go back to Council.

The Deputy of St. Ouen:

Speaking of the implementation of items from a European legislation, and I think, Minister, you said there are occasions where it is determined whether it is appropriate for the Island to adopt a piece of legislation that you would seek the advice of the Law Officers. Am I correct?

The Minister for External Relations:

I think Mr. Walker said that but, yes, I agree.

Director of International Affairs:

Yes, for example, you might have a piece of European law which is quite broad, so a single piece of European law is written on the assumption that it is written for a full Member State. So it might include some items which are about trading particular goods, and it might include other provisions which are about health, and they might put that together into one piece of European law. So it is neither clearly in or out of Protocol 3. It is one piece of law but you have to take a judgment upon whether it falls within our obligations or not. So in those instances where you have complex pieces or broad pieces of European law which are not clear whether the whole law applies, then you have to seek the advice of the Law Officers in order to take a judgment on that.

The Deputy of St. Ouen:

So you are only seeking the advice of the Law Officers in regard to whether or not the legislation would come under Protocol 3 or not?

Director of International Affairs:

Yes, it is legal advice.

The Deputy of St. Ouen:

But earlier you said, in addition, the Ministers have brought forward to the States for approval pieces of European legislation that do not fall under Protocol 3?

Director of International Affairs:

Yes, and that is...

The Deputy of St. Ouen:

In that instance, who would you consult with? Would you consult with the Council of Ministers? Would you consult with the Law Officers? Would you consult with both? What is the process that would be generally followed before the States get to consider a particular legislation?

Director of International Affairs:

You are quite right, there are two separate things. One would be, a large piece of European law where part of it is Protocol 3 and part of it is not, and there you just need legal advice and so you need to get the Law Officers to get the fine details of Protocol 3 and the case law and everything else and come back to you with advice on whether that falls within our existing obligation or not. Then you can have a separate scenario. Something like whether to mirror European law at the airport, so should our Aviation Safety Law mirror European law or not. That is a policy decision in a much more straightforward way and that would follow the normal process, so are there pros and cons to mirroring European law: is it desirable to use it? Those policies would be worked up, the objective advice given, Ministers would take a view, legal advice would be taken on how a European law could be interpreted, whether it could be interpreted into Jersey law. Sometimes it cannot be, because one piece of European law is linked to another, is linked to another, is linked to another, and you only want the one piece, you do not want the lot. So sometimes it is not possible. Then that would just go through the normal policy and law making process like any other law, and so the aviation laws end up with the Assembly in the normal manner, having gone through that process. But that is something different. That is the Island taking a decision over what is in its best interest.

The Deputy of St. Ouen:

So the Minister is, in those instances, working in isolation. The Minister is required to seek advice, speak to the Council of Ministers, obviously officers of the department, and others who may or may not be involved before bringing forward a proposal to the States?

Director of International Affairs:

Yes.

Senator S.C. Ferguson:

Can we get back to sanctions, if you do not mind? So what happens if sanctions measures are adopted by the E.U. which the Island does not wish to implement? One can see situations where we do a lot of business with a country, somebody may come along and want to do sanctions and it is obviously not in the Island's best interests.

The Minister for External Relations:

It is quite difficult to envisage the circumstances arising, in my view.

Senator S.C. Ferguson:

I could give you an example, but I will do it afterwards.

The Minister for External Relations:

Please do. I mean, I think in terms of sanctions which have their genesis in a resolution of the United Nations then obviously we are obliged to comply with that. Every nation on earth has to comply with resolutions of the Security Council, there is no getting away from that.

Senator S.C. Ferguson:

Yes, although some I believe are voluntary and some are compulsory, are they not? Some are mandatory and some are not mandatory, sorry.

The Minister for External Relations:

Chairman, I will not cross swords with you on that. You may well be right. I do not know the answer to the question, I am sorry.

Senator S.C. Ferguson:

Sorry, I was asking the question because I have heard that...

Director of International Affairs:

I think what you are hinting at is there are U.N. (United Nations) resolutions which are passed by a majority of U.N. members and people can note them but there is no binding obligation to implement them.

Senator S.C. Ferguson:

Yes.

Director of International Affairs:

Then there are resolutions of the U.N. Security Council which are binding, and they are two slightly different things, I know what you mean. But sanctions would always be U.N. Security Council resolutions so they would be binding.

The Minister for External Relations:

Unless, for example, as happened very recently with Ukraine, it was not possible to get a resolution of the U.N. Security Council because a resolution would have been vetoed by Russia

and so it was necessary for the United States and for the European Union to act independently of the United Nations, and - so far as the European Union is concerned - to pass a regulation which gave effect to those sanctions.

Senator S.C. Ferguson:

That is why, presumably, it is named individuals as opposed to a country?

The Minister for External Relations:

In relation to the Ukraine sanctions?

Senator S.C. Ferguson:

Yes.

The Minister for External Relations:

I think it does bite upon, yes, named individuals and named corporations.

International Relations, Chief Minister's Department:

If I can comment on that. As a general policy, I think the European Union takes the view that it is not appropriate to take blanket measures against a whole country. Sanctions measures should be specific, targeted, and directed towards achieving a particular policy objective. So usually named individuals who have asset freezes, or specific prohibitions, for example on trading weapons, would be the very narrow specific tool used to exert pressure on that country.

Senator S.C. Ferguson:

Thank you. If we can move on to legislative reforms.

The Deputy of St. Ouen:

Yes, we would like to ask you a number of questions around obviously the current law and the proposed changes. First of all, has the Island's existing mechanisms for implementing sanctions ever been subject to comment from outside the Island?

The Minister for External Relations:

Yes, it has quite recently when the United Kingdom Government sent a note to the European Union complimenting the two Bailiwicks of Jersey and Guernsey on their sanctions regimes. I am just trying to lay my hand on the piece of paper which is somewhere here. There was a letter which came from the Vice President of the European Commission, Baroness Ashton, who wrote to my opposite number in Guernsey and to me, thanking us both for our interest in the E.U.'s role as a facilitator with regard to bilateral asset recovery actions and saying: "I would also like to thank

you for your comments on the implementation of U.N. and E.U. sanctions. The full implementation of measures is a key to their success. My services have been in touch with your representatives here in Brussels and we are glad to be able to continue this successful cooperation.” So we have scored a bonus point, as it were, with the European Union in terms of the efficiency with which we deal with sanctions orders.

[14:30]

The Deputy of St. Ouen:

I suppose the question I have to ask is: if we do so well why change the legislation?

The Minister for External Relations:

Well, we are not really changing it. We have power to make sanctions orders at the moment and that is being replicated in the new law.

The Deputy of St. Ouen:

But there are changes otherwise we would not be looking at the proposition.

The Minister for External Relations:

I stand ready to be corrected but in relation to sanctions I do not think there are any changes.

The Deputy of St. Ouen:

I maybe misunderstood but I thought part of the issue that you were aiming to deal with, with the new law, was to speed up the process. If you are saying that they are happy with the process as is, and the timing, and the way that the Island maintains the sanctions...

The Minister for External Relations:

We are proposing to bring in a new measure in relation to ambulatory provisions. But is that the question that you are asking?

The Deputy of St. Ouen:

Maybe you could just very briefly highlight the changes that are proposed in the European Union Legislation Law, because I thought one of them was to improve the facility or the implementation of sanctions, but maybe it is going further than that.

International Relations, Chief Minister's Department:

If I can just comment on that, is that okay?

The Minister for External Relations:

Yes, please.

International Relations, Chief Minister's Department:

First of all there was the question of ambulatory provisions. The concern there is that very often simply the volume of Orders required, and we have said already that a typical year, a quarter of all the Orders being made are to do with sanctions, so largely most of those are very minor changes, amendments to lists of designated individuals or entities. Small changes, but because of the way Jersey legislation works at present, we have to make a new Order on every case. To make that Order normally takes 3 or 4 days, a week maybe. But the idea of ambulatory provisions means that the Minister can refer in the legislation to an Order with the schedule as amended from time to time, for example. So that means when there are names changed in an annex to a new regulation, that will have an immediate effect in Jersey law and that means there is no gap between the E.U. regulation being made and the Jersey Order coming into force. The main concern there is partly because we want to be seen to be compliant with international standards and having an effective, well-regulated finance industry. But in particular, if there are designated persons who had assets in Jersey that would be within the scope of that legislation to be frozen then those assets would be frozen immediately and there would be no chance of the money being moved out of Jersey to an unregulated jurisdiction.

The Connétable of St. Lawrence:

May I come in there, because it seems to me that there must be some checks and balances in place for the general provision Orders that relate to ambulatory references. What would those checks and balances be? Talking about something becoming effective immediately, that will be introduced if P.164 is approved, that is correct, is it not?

International Relations, Chief Minister's Department:

The introduction of ambulatory references is optional. It is not automatic. The Minister would need, as part of the drafted legislation, to agree that specific ambulatory reference would be included in that Order. So it is not automatic. Therefore, the scope of the ambulatory provision will be clearly considered by the Minister and obviously that Order is again laid before the States. If, for example, the ambulatory provision was far too wide that enabled substantive changes to occur then that probably would be something which the Minister would not be comfortable with and the States would not be comfortable with. It would be very specific, narrow use of ambulatory references.

Director of International Affairs:

I suppose as an example, if we were doing the Ukrainian regime under the new provisions then a view would have to be taken about whether that Ukrainian sanction required ambulatory provisions if it was anticipated that those 18 people would become 19 people next week, or down to 16 people the week after. That is what we are talking about, it is people coming on and off the list, which happens a lot with some of the sanctions, particular the Al Qaeda and some of the other ones.

The Minister for External Relations:

The Al Qaeda sanctions I think have been amended 210 times since they were introduced in 2002, so there is potentially a huge amount of work involved in making very minor amendments to a sanctions regime.

The Deputy of St. Ouen:

In 2009 the I.M.F. (International Monetary Fund) undertook a review of the regulation of Jersey Financial Services. Did they raise concerns around the implementation or process of sanctions?

Director of International Affairs:

They did make a point on our implementation of sanctions.

International Relations, Chief Minister's Department:

Yes, Jersey was rated in that particular area as partially compliant, in other words not fully compliant. The reason was a couple of points, one was there was a need to review the effectiveness, implementation of sanctions Orders in general. But also some specific questions about the scope of application of sanctions measures to include various aspects of the finance industry. So there were specific recommendations by the I.M.F. review and the purpose of this legislation is to remedy some of those issues. There were some actions and recommendations.

The Deputy of St. Ouen:

How will the legislation do that? What really will sort of tick the box for the I.M.F.?

International Relations, Chief Minister's Department:

I think particularly the provision of ambulatory references will be important in terms of demonstrating the speed of implementation. That is perhaps one of the most important aspects.

The Deputy of St. Ouen:

You say it is one thing to adopt a piece of legislation, or introduce sanctions, but we obviously rely on others to implement the sanction. How do we ensure that those responsible do implement the sanctions that you may be signing?

The Minister for External Relations:

You mean how would the Financial Services organisation...

The Deputy of St. Ouen:

Well, yes, what is your expectation once you have acknowledged and agreed a particular sanction to be imposed?

The Minister for External Relations:

Once a sanction Order has been made then that is obviously published, it is notified I think to the H.M. Treasury in London. The sanctions regime that is published by the H.M. Treasury is probably generally the one that the financial services industry looks at to see whether a particular client or customer of a bank, for example, is covered by the sanctions regime. So that is their first port of call. They will go to the website of H.M. Treasury and then they will want to see whether that particular prohibition on dealing with that particular individual has been replicated in Jersey. So they then look at the Jersey law website or the website of the Financial Services Commission in order to see whether the prohibition has been replicated over here.

The Deputy of St. Ouen:

But that is somebody monitoring the implementation. If we wanted to be proactive and if we are wanting to abide by the legislation and ensure that the sanctions are imposed and acted upon...I suppose my question is how do you ensure that local businesses act and deal with and deliver and implement the sanction that you have just signed?

International Relations, Chief Minister's Department:

Can I first of all just comment that compliance with the sanctions measures is a mandatory requirement. It is a criminal offence to breach the sanctions measures, so financial institutions are seriously motivated to get it right because there are criminal penalties. Secondly, the Financial Services Commission, as the regulator, oversees the implementation of sanctions measures and will take a very, very firm action if they found any bank or financial institution which was not compliant. In the same way as in the U.K. (United Kingdom) and the United States some banks have faced enormous fines for failing to effectively implement sanction measures. So there are serious penalties and banks are very careful to make sure they do everything to get it right.

The Deputy of St. Ouen:

Are the sanctions limited to financial matters only?

Senator S.C. Ferguson:

Can we move on?

Director of International Affairs:

No. Perhaps you could talk about some of the freedom of movement ones that were...

International Relations, Chief Minister's Department:

Yes. There are the 3 actions; 3 areas really. One is financial restrictions and that could be a restriction on providing financial services, for example doing business with Iranian banks. It could be an asset freeze on individuals or companies to freeze any money or other assets they might have. There are also restrictions on movement, visa bans, for high profile individuals. For example, some of the Zimbabwe regime have visa bans to prevent them from travelling to the European Union and into Jersey, therefore. There are also trade embargos, for example, trade in rough diamonds from some African countries, the so-called blood diamonds, and also weapons bans, prohibition on trade in weapons or anything that could be used for internal repression inside a country. So there are different types of tools that can be used for specific purposes either to put general pressure on a regime or to prevent internal repression or violence and to apply financial pressures on individuals.

The Deputy of St. Ouen:

Do we rely on different agencies to oversee the Island's businesses are implementing the sanctions regardless of whether it would be Financial Services Commission, or Customs and Excise or...

International Relations, Chief Minister's Department:

Indeed, Customs implement restrictions under the import/export controls, yes.

The Deputy of St. Ouen:

Thank you. I am going to ask, why could not the Order-making powers that are planned to be granted to the Minister under the draft law not be given to the Assembly as Regulation-making powers?

The Minister for External Relations:

The States do have the power to make Regulations for sanctions. The reason why, in practice, they are dealt with by the Minister is...I suppose there are two. I mean the first is that there is an

urgency to bring the sanctions regime into force and if we decided to deal with a particular sanctions regime by Regulations that would mean that the Regulations would have to be lodged for 6 weeks, debated and that delay would be counterproductive. The second reason is the sheer scale of the task. I think I mentioned earlier on the number of sanctions Orders that are made and that would mean, in effect, that at each sitting of the States there would be at least one and possibly two sanctions Regulations to be debated and that is not practical.

The Deputy of St. Ouen:

So with that in mind, was consideration given to whether Standing Orders could be altered or did the same argument apply?

Director of International Affairs:

Perhaps if we consider the Ukrainian example again, as it is the most recent, and the Island needed to bring that into legal effect within 24 hours, and so while it would be possible to change Standing Orders so that the States can be called and they could deal with the matter immediately that would have meant that you would have all had to have turned up at less than 2 or 3 hours' notice in order to sit, in order to agree, and you have to do that every time.

The Minister for External Relations:

Then there would be complaints that Members had not had the opportunity to consider the matter [Laughter], requests for delays.

Senator S.C. Ferguson:

Yes, but effectively as an Order it is on the Order Paper, it is open to question or annulment by the States within; I think it is two weeks. So if you change Standing Orders so that the Regulations for sanctions had a lodging period of two weeks, would it not achieve the same effect?

Director of International Affairs:

Again, if you use the Ukrainian example, that had to be brought in within 24 hours and so we would have drafted it, we would only be in the first week of that lodging now. There would be another week and then you would have to sit and so there would be 2 to 3 weeks minimum before that Order was in place rather than it being in place within 24 hours, which is what it needed to be.

The Deputy of St. Ouen:

Recognising the relationship, Minister, that exists between your position and that of the Chief Minister; has any consideration been given to ensuring that there is prior discussion with the Chief Minister before you finalise or sign a particular Order?

[14:45]

The Minister for External Relations:

The Chief Minister and I work very closely together on the sanctions regime. In fact in relation to the Ukraine sanctions, although I was consulted about them, discussed it on the telephone with Mr. Entwistle, I think, or Mr. Walker, I was not available to sign the Ministerial Order. The Ministerial Order was signed by the Chief Minister. So we are a kind of partnership in dealing with these matters. If the Chief Minister wanted to be informed about the detail of every sanctions Order that was made that would be done, I think at the moment that he has probably got enough things on this plate without worrying about sanctions Orders.

The Deputy of St. Ouen:

No, I am not suggesting that the relationship you have with the Chief Minister is anything but very good. All I am thinking is that should the States, especially when looking at introducing new legislation...so having a good relationship is something that is expected and should be there or is there a way of ensuring that you do not take that risk? You remove that risk, the risk of a bad relationship perhaps developing at the later stage or between two different Ministers.

The Minister for External Relations:

Yes, it would be possible, I suppose, to require the Minister for External Relations to consult with the Chief Minister before making any sanctions Order but if the Chief Minister was not there or was in a meeting or just was not able to be available to be consulted then that would mean that the urgency of bringing a particular sanctions regime into force could be thwarted. I do not think there is generally anything controversial about a sanctions Order because what we are doing is implementing the common policy of the Council of Ministers. It is expressly set out in the common policy of the Council of Ministers that we shall implement U.N. sanctions and E.U. restrictive measures in support of international objectives.

The Deputy of St. Ouen:

That possibly is part of the concern that States Members generally have that although there may be a common policy for external relations that the Council of Ministers signed up to the States have not.

The Minister for External Relations:

We traversed this ground the last time I think I appeared before you.

The Deputy of St. Ouen:

I just make the point because I think it is an important one to acknowledge.

The Minister for External Relations:

I am sensitive to it and, as I said on the last occasion, I am very open to any ideas that the Scrutiny Panel might have for a greater involvement either by the Scrutiny Panel or by Members generally in relation to the common policy of the Council of Ministers but it must be, at the end of the day, the common policy of the Government of Jersey.

Deputy R.J. Rondel:

There is pressure to move on, and there are a few questions you have sort of partly answered but I will just ask again for the transcript services, the draft law would give the Minister for External Relations power to make Orders that give effect to any E.U. provision that is directly applicable to or binding on Jersey. That effectively refers to the E.U. provisions that arise from, as you said, Protocol 3. Does the Minister currently have that Order-making power?

The Minister for External Relations:

It is an extension. That is a new provision.

Deputy R.J. Rondel:

Right. Are you able to explain exactly how that effect takes place? Why would you now be given that power and not before? Why the change?

The Minister for External Relations:

It is thought to be a sensible amendment of the current regime because it enables minor matters, which are not likely to be controversial, to be dealt with more quickly and more efficiently. I think I gave an example when either you, Deputy, or one of your colleagues put the question earlier on. The usual kind of Order that would be made under this provision would be an Order that introduced criminal penalties for failure to comply with the particular European rule that was binding upon us because, as a matter of policy, the European Union leaves it to Member States to decide how and to what extent the enforcement regime should operate. So I do not think there is anything...I mean if the question is, is a power being given to the Minister to commit Jersey to some new terrible obligation, I think the answer is, no, because it is subsidiary to a rule which already applies.

Deputy R.J. Rondel:

There is a difference just in terms of small...

The Minister for External Relations:

It is a change from 1996, yes, and we think it is a change for the better.

Senator S.C. Ferguson:

Who is "we"?

The Minister for External Relations:

The Minister and his officials.

Senator S.C. Ferguson:

So this was on advice from your officials?

The Minister for External Relations:

Possibly also from the Law Draftsman's Office and the Law Officers' Department.

Deputy R.J. Rondel:

Okay. Why has the context for the Minister's Order-making powers in respect of sanctions and restrictive measures been changed from Article 12 of the Maastricht Treaty to various references within the proposition to both the Maastricht Treaty and the Treaty of Rome establishing the European Community?

The Minister for External Relations:

I think these are really consequential provisions which result from the renaming of various treaties. The Treaty of Rome, for example, has become the Treaty on the Functioning of the European Union. The Maastricht Treaty, I think, has become the Treaty on the European Union, if I have got that right. So the references are different but the substance is pretty much the same.

Deputy R.J. Rondel:

Okay, I have now renamed it the Treaty on the Functioning of the European Union. Under the draft law the Minister for External Relations will be able to make Orders in respect of Chapter 2 of Title 5 of the Treaty of the European Union. That deals with specific provisions in respect of the E.U.'s Common Foreign Security Policy. However, the draft law would also amend the 1973 law to say that treaties will not be automatically binding on the Island inasmuch as they relate to the Common Foreign and Security Policy. How do these two aspects of the draft law work together? Are you able to just elaborate on...?

The Minister for External Relations:

Yes. The provisions of the Treaty on European Union which deal with external...sorry, you gave me the phrase and I have now lost it.

Deputy R.J. Rondel:

In respect of Chapter 2 the title part of the Treaty on the European Union which...

Director of International Relations:

Common Foreign and Security Policy.

The Minister for External Relations:

Thank you. Yes, the provisions of the Common Foreign and Security Policy do not apply to Jersey. They are not covered by Protocol 3. They are not binding upon us and so it is right that Jersey should not be under any binding obligation to give effect, for example, to send troops out to Afghanistan if that is what the foreign policy of the European Union determined should happen. In terms of the sanctions regime we need to be empowered to do what the European Union has decided to do because it is our policy, as set out in the common policy, to comply with the international community in that respect.

Deputy R.J. Rondel:

Thank you. What impact, if any, do you anticipate approval of the draft law would have on the actual workload of the Minister for External Relations?

The Minister for External Relations:

That is difficult to answer because I am not clear at the moment to what extent we would use the ambulatory provisions power in the law. I think it would probably be easier to answer that in 12 months' time. It could be that it would have quite a beneficial effect, not just of the workload of Mr. Entwistle and other officials in the department but also upon the Law Draftsman's Office, the Law Officers' Department, because each time an amendment to a sanctions Order has to be made it starts in the Ministry for External Relations, it goes to the Law Draftsman's Office, then it goes to the Law Officers' Department and all this takes time and costs money.

The Deputy of St. Ouen:

That concerns me a little because in the report that accompanies P.164, under financial and manpower implications, there you rightly point out that there are likely to be some additional costs involved and yet we are told here that there are no financial or manpower implications arising from the production of this law.

The Minister for External Relations:

There are no adverse financial or manpower implications. There may be positive implications in the sense that less work would have to be done.

The Deputy of St. Ouen:

Less? You suggest there is less work rather than more?

The Minister for External Relations:

Yes, indeed.

The Deputy of St. Ouen:

Okay.

The Deputy of St. Ouen:

Good. [Laughter] Maybe it should have said in there: "And there will be a saving of".

The Connétable of St. Lawrence:

Minister, we know that P.164 is seeking to amend the European Communities (Jersey) Law 1973 and we have been speaking a lot this afternoon about European legislation. Do you consider that the checks and balances that you have in place for the implementation of European legislation in Jersey are robust and, notwithstanding their robustness, are they sufficient?

The Minister for External Relations:

The changes to the 1973 law are cosmetic; they merely change the name of the law. Yes, I think that the provisions of the law are robust because they make it clear that the only binding obligations which can come from the European Union are those which derive from Protocol 3. So there is that protection, so I think that, yes. I am sorry, there was another part to your question after robustness.

The Connétable of St. Lawrence:

Robustness and whether you think they are sufficient.

The Minister for External Relations:

Sufficient. Yes, I think they are sufficient. It is a very complex area. Mr. Walker explained earlier on it is not always possible to know precisely whether a particular rule or obligation created by the European Union does fall within our protocol or does not and that has become more complicated since the Treaty of Maastricht. I think that they are sufficient. If we could think of ways of tightening it up we would but I cannot at the moment.

The Connétable of St. Lawrence:

Do you have discussions with the other Crown Dependencies about the implementation of European legislation or are we working in isolation?

The Minister for External Relations:

We are a bit behind the Isle of Man I think. The Isle of Man have already brought in ambulatory provisions in their law. I am not sure what is happening in Guernsey. I do not know whether Mr. Entwistle can fill us in on that.

International Relations, Chief Minister's Department:

Guernsey, again, are ahead of us on this slightly but they already effect ambulatory provisions in their sanctions measures, yes.

Senator S.C. Ferguson:

If you look at implementation of European legislation in general, with the greatest respect to Mr. Walker and Mr. Entwistle, we do have a number of officers who are somewhat enthusiastic about European legislation and will try and bring the extra legislation in. Do we have the checks and balances and the Council of Ministers, the political will, to deal with these?

[15:00]

The Minister for External Relations:

I do not think we are enthusiastic about European Union legislation, are we?

Senator S.C. Ferguson:

I was not implying that you were.

Director of International Affairs:

You very graciously exempted us from the broader statement.

Senator S.C. Ferguson:

There are pockets of enthusiasm around.

Director of International Affairs:

I suppose your question is, if there were officers in one area who, to take a hypothetical example, perhaps we had someone in charge of consumer law who was very keen on European Union consumer law as being a robust standard, who then advised their Minister that it would be a good thing if consumers in Jersey had the same rights as the rights in the U.K. and elsewhere under that law then what would happen. I suppose that officer's advice would be tested by their Minister and I would have thought something as significant as that would end up in the Council of Ministers to take a view. I think it is sometimes the case that Ministers might decide that it is in the best

interest of Islanders to implement E.U. equivalent law outside of Protocol 3. I am not sure that I have detected in the current Council of Ministers that there are Ministers who would slavishly follow the advice of a pro-European officer on such a matter. It is an interesting idea but I am trying to think of a scenario where that might happen.

Director of International Affairs:

I mean it is much more likely that there is a demand from people for some sort of protection which other U.K. residents have which derives its source from the European. I mean we get that sometimes on things like mobile phone roaming charges and the E.U. and the U.K. have regulated mobile phone roaming charges down to a very low level and of course that cannot apply to Jersey. I know that our regulator quite often gets lobbied by Jersey residents who would like to have that same regime but clearly there the Minister has taken a decision that they would rather stand outside of the E.U. regulated price regime for mobile phone roaming.

The Minister for External Relations:

Consumer protection law generally is another example of where there might be public pressure to bring about changes which accord with European rules.

Director of International Affairs:

I think ultimately the decision is the Minister's. It is not the decision of officers.

Senator S.C. Ferguson:

If you could...well, anyway, yes.

The Deputy of St. Ouen:

The decision is the Minister's, not an adviser role.

Director of International Affairs:

Yes, and that should be able to give them a robust relationship. The officers should provide objective advice which has...their personal views should have their part in that and the Minister should always challenge that advice and, in my experience, Ministers do.

The Connétable of St. Lawrence:

Speaking of challenges, the reason we are here today is because P.164 was referred to Scrutiny, questions were asked during the debate and Members were uncomfortable, I think, at the time. Minister, in your opinion, what impact would there be if we failed to adopt this draft law?

The Minister for External Relations:

Life would bumble on, Connétable, I suppose. We would not be as efficient and effective as we should be. We might attract criticism from Europe and we might attract criticism from the United Kingdom and certainly if we were to contemplate requiring all sanctions and measures to be done by Regulations rather than by Order we would be subject to very severe criticism very rapidly indeed. So I think many Members, when the debate took place and the reference was made to the Panel, were under a misapprehension that some huge new powers were being given to the Minister and that is not correct. The powers are there at the moment and the modification of the Minister's powers is really very slight.

The Connétable of St. Lawrence:

It is interesting of course because we have read Hansard, clearly we did not look at this without having looked at Hansard, and when I read it again it seems to me that you presented it in a manner that was explaining that; it was sufficient to explain what the reason was behind presenting the draft law. When it is debated again what changes will you make in your presentation to steer it through?

The Minister for External Relations:

It depends what the Scrutiny Panel says.

The Deputy of St. Ouen:

Just picking up on the failure to adopt. I would like to bring you back to a comment you made earlier around the I.M.F. Review and the recommendations that they made. Let us just think about failing to implement the recommendations. Could it have an effect on our...

The Minister for External Relations:

Yes it would and thank you for reminding me about that. I should have mentioned that in answer to the Connétable's question. Yes, we would not be complying with a recommendation of the I.M.F. and I think that would be detrimental to our interests. To be partially compliant is not as good as being compliant and we pride ourselves on being compliant or largely compliant with European rules and international standards. So it would be a bit of a blow in that respect.

Director of International Affairs:

Also the I.M.F. will do an assessment every 7 or 8 years but in-between we are to be assessed by the regional anti-money laundering body, Moneyval, and Moneyval will be here in Jersey in September to do a follow-up review to check whether we have implemented, sufficiently, the recommendations of the I.M.F. So I think that any such decision of the Assembly would be

followed very swiftly by a Moneyval site visit and evaluation and would undoubtedly be picked up by them which could be unhelpful.

International Relations, Chief Minister's Department:

Can I mention also, perhaps, just to go on, Minister? One of the fundamental purposes of this new law is to replace the obsolete terminology and if we did not bring it into force it would remain curious, to say the least, that Jersey still, in our legislation, talks about the European communities and treaties which have been superseded. It really needs updating.

Senator S.C. Ferguson:

Right. Yes, what impact, if any, would adoption of the draft law have on the development of Jersey's individual and independent international identity?

The Minister for External Relations:

What effect would it have upon the...

Senator S.C. Ferguson:

Is it going to have any effect?

The Minister for External Relations:

I think failure to pass it would have an adverse effect for all the reasons that we talked about a few moments ago. Jersey, generally speaking, has a good reputation, internationally, as being a compliant jurisdiction. Although there is a lot of prejudice in some political quarters across Europe, so far as the officials are concerned and so far as the international organisations are concerned there is a general recognition that Jersey is up to speed and a co-operative jurisdiction. So this would be further evidence, I think, of a passage of this bill updating all the terminology and giving us the power to make ambulatory provisions so that we could bring in changes to sanctions regimes more rapidly would be all to the good.

The Deputy of St. Ouen:

Does complying with Protocol 3 limit our ability anyway to be and become a more independent state?

The Minister for External Relations:

I am not sure what the question is. I mean we are not an independent state.

The Deputy of St. Ouen:

Well, more independent than we are now, if I can put it that way.

The Minister for External Relations:

I think Protocol 3 sets our relationship with the European Union and I do not think this legislation will have any effect on that relationship, if that was the question. I may not have understood...

The Deputy of St. Ouen:

Currently, it seems to me, even in this new draft law, we are acknowledging Protocol 3 exists and obviously policy decisions are made that we retain the arrangements under Protocol 3. My question is whether or not by following that policy we are limiting our ability to further develop our independence in the way that you, I think, participated in reviewing, a number of years ago now, when you looked at whether or not the Island could become more independent from the U.K. if we could not do so?

The Minister for External Relations:

I am sorry, Deputy, but I am not quite clear what the question is.

The Deputy of St. Ouen:

The question is, does Protocol 3 limit us from becoming more independent than we are now?

The Minister for External Relations:

In a sense, yes, in the sense that Protocol 3 sets our relationship with the European Union and sets our relationship indirectly with the United Kingdom.

The Deputy of St. Ouen:

Right, thank you. Okay. It is not just the E.U. It is also the link to the U.K.

The Minister for External Relations:

The Protocol is subsidiary to the United Kingdom's relationship with the European Union. This does not affect us all, no.

Senator S.C. Ferguson:

We did talk at the beginning about various E.U. treaties and so on. Is there anywhere where the interested member of the public can look to see where the treaties that we have with other countries are listed?

The Minister for External Relations:

Not yet but they will be able to thanks to sterling work that is being done by Mr. Entwistle and one of his colleagues in the Ministry in putting together a list of treaties and international agreements which are binding upon Jersey, which will be published.

Deputy R.J. Rondel:

Would you know how many we are signed up to as a matter of interest?

The Minister for External Relations:

Not a clue, no.

Senator S.C. Ferguson:

Three hundred and something, is it not?

The Minister for External Relations:

Those that we are aware of will be published on the website of the Jersey Legal Information Board, Jersey Law and a new section has been set aside notionally to accommodate international agreements so that...

Director of International Affairs:

As the Senator will be aware, the starting point in answering the question is made more difficult by the fact that the United Kingdom does not, itself, have a complete list of every treaty that it is signed up to and so some treaties like the one governing Gibraltar date back centuries and are still in force. So many of the treaties that they signed up to in the U.K. are contained in dusty volumes in the basement of the Foreign Office. There is not a complete listing in the U.K. which means that it is a slightly more difficult matter to determine all the ones that we are signed up to. However, we have, as the Minister says, risen to the challenge, having been asked this question more than once by your Chairman, and so that work is ongoing. The only way to really answer the question is to do the hard work and to go through all the treaties that we think we are signed up to manually, one at a time, and determine whether they have or have not been extended to Jersey and then make that information available. So that is being done in batches and the first batch, I am told, will appear shortly on the Jersey Law website and then hopefully that will all just continue and we will just add more batches and more batches as time goes on. So eventually you will end up with as good a comprehensive listing as is possible to achieve.

Senator S.C. Ferguson:

Can we lay claim to New Jersey with this? **[Laughter]** I am sorry.

The Deputy of St. Ouen:

We have spoken about imposing sanctions or introducing sanctions.

[15:15]

Who has got the authority to lift them?

The Minister for External Relations:

The Minister for External Affairs would be able to amend or to revoke a sanctions regime similarly by Order.

The Deputy of St. Ouen:

At their whim?

The Minister for External Relations:

If the international community decided that a particular regime was going to come to an end there is a discretion in Jersey to bring it to an end or, I suppose, to continue it but we would, for obvious reasons, bring a regime to an end if it was no longer an internationally ordered regime.

Senator S.C. Ferguson:

Presumably we had sanctions against Rhodesia. Are those still in place or did we lift them?

International Relations, Chief Minister's Department:

No, they have been revoked. Another example might be the sanctions against Burma Myanmar which the European Union has decided to suspend in order to recognise the progress being made by that regime. That is a finite suspension and the Minister has made an Order which has the same effect in Jersey but should the E.U. decide to reintroduce those measures for Burma then the Minister, again, could do the same in Jersey.

The Deputy of St. Ouen:

I have got to ask the question: do the new changes to the new law allow the Minister for External Relations to lift a sanction that is still required to be in place by the E.U.?

Director of International Affairs:

Yes, and in doing so they would be in breach of the common policy agreed by the Council and so that matter would have to be dealt with by the Chief Minister and the Council.

Deputy R.J. Rondel:

It could also be called into the Assembly as well?

The Deputy of St. Ouen:

If known about it.

The Minister for External Relations:

The Order could be challenged in the Assembly under the Subordinate Legislation Law.

Deputy R.J. Rondel:

If known about it.

Director of International Affairs:

It would be in direct contravention of the policy of the Council.

The Minister for External Relations:

It would be published so Members would know about it. It would be in the R.&O.s (Regulations and Orders).

The Deputy of St. Ouen:

What impact, if any, would the adoption of the draft law have on the Regulation-making powers of the State?

The Minister for External Relations:

What effect would it have on the Regulation...

The Deputy of St. Ouen:

What impact, if any, would it have on the current Regulation-making powers of the State?

The Minister for External Relations:

I think it is unlikely to have any substantial impact on the Regulation-making powers of the States.

The Deputy of St. Ouen:

Could I refer you to Article 2(5)?

Senator S.C. Ferguson:

You have the powers under the old law versus the powers under the new law.

The Minister for External Relations:

Yes, well Article 2(5), as you say, makes some restrictions upon the power of the States to make Regulations so the Regulations cannot impose or increase taxation. It cannot be retrospective and cannot amend the law or the 1973 law.

The Deputy of St. Ouen:

So there is a new limit to the power? Is this law introducing new limits to the power of the States to make a new regulatory power?

The Minister for External Relations:

Yes, to the extent set out in paragraph 5 of Article 2, yes.

The Deputy of St. Ouen:

Why is it felt, or believed to be necessary, to introduce or further limit the ability of the States to make Regulations?

The Minister for External Relations:

Because if you look at each of the provisions of paragraph 5, I do not believe that the States would in fact, at the moment, pass Regulations to impose or increase taxation. It would be unconstitutional for the States to do that other than by primary legislation which needs Privy Council consent which in turn allows the inhabitants to petition the Crown against the grant of Royal Assent. In relation to retrospective provisions that would be again unconstitutional and wrong to impose obligations retrospectively. I do not believe the States would, in fact, do that but this makes it absolutely clear that they cannot do it by Regulations. The amendment of this law or the 1973 law is there again to make it clear that the Regulation-making powers of the States do not extend to changing the law because that requires primary legislation.

The Deputy of St. Ouen:

So, for all practical purposes, although the draft law will have an impact it is neither positive nor negative because all the matters that are identified under here that currently could be introduced by Regulation can be dealt with under primary law.

Director of International Affairs:

I think you could regard that as there for the avoidance of doubt.

International Relations, Chief Minister's Department:

Can I also comment? This arose in discussions between the law draftsmen and the Law Officers and the law draftsman, particularly, was looking at comparable legislation in other jurisdictions and

noted that the U.K. in their equivalent legislation has these measures and these restrictions on the powers and felt that these are the things in the U.K. which should only be done by Parliament. Equally, these things should be done by the States Assembly as a whole by primary legislation. So part of it was to provide reassurance because, of course, this legislation's primary law will have to go through Privy Council and obviously they will look and say: "Well, what are the equivalent measures in the U.K. and how does the Jersey law compare?" So, it is not particularly restricting anything that the States would probably want to do anyway but it does provide reassurance and, as the Minister said, avoidance of doubt.

The Deputy of St. Ouen:

But being part of the Channel Islands, have our fellow countrymen in Guernsey, for argument's sake, introduced similar or limiting regulatory powers in these areas?

The Minister for External Relations:

I am quite sure that the legislators of Guernsey and the Isle of Man would not do these things. Whether there is something in the legislation that governs that I am not sure, looking at the Manx legislation.

The Deputy of St. Ouen:

It is interesting you say that these are...you want to strengthen or toughen up on the ability of the States not to do certain things and yet there is a regulation also that allows for the Minister to have greatest power.

Director of International Affairs:

I do not think that that clause either toughens or weakens the existing position. It is really there for the avoidance of doubt. I cannot believe that the States would wish to bring Regulations under this law to impose taxation. I just cannot see it.

International Relations, Chief Minister's Department:

These restrictions also apply to the Minister. He cannot do any of these things by Order and the Minister also has further restrictions implied in terms of, for example, the levels of penalties and so on.

Senator S.C. Ferguson:

All right, anything else? Anything else you would like to add, Minister?

The Minister for External Relations:

I do not think so, Chairman. Thank you very much for your courteous reception of us.

Senator S.C. Ferguson:

We will try to skewer you politely. **[Laughter]** Thank you very much indeed, Minister. We are hoping to have the report ready by the middle of April in plenty of time for the return to the debate. Yes, you can take it on your Easter holidays to read. Thank you very much. The public meeting is now closed.

[15:25]