

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 27th SEPTEMBER 2011

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[9:30]

The Roll was called and the Dean led the Assembly in Prayer.

WELCOME TO HIS EXCELLENCY GENERAL SIR JOHN McCOLL, K.C.B., C.B.E., D.S.O., LIEUTENANT GOVERNOR:

The Bailiff:

I would like to welcome all Members and all guests to this special sitting of the Assembly, which is being held to welcome our new Lieutenant Governor, General Sir John McColl. **[Approbation]** As well as His Excellency, I would also like to welcome Lady McColl, who is in the Bailiff's Gallery and other members of the Lieutenant Governor's family. **[Approbation]** As those who were in court yesterday will have heard, His Excellency has served in many far-off locations around the world during his career where no doubt power cuts are quite frequent. **[Laughter]** But I am assured by the Chief Executive of the Jersey Electricity Company that last night's power cut was not done simply to make Sir John feel at home. **[Laughter]** Without more ado I invite therefore the Connétable of St. Mary in her capacity as chairman of the Privileges and Procedures Committee to address the Assembly.

Connétable J. Gallichan of St. Mary (Chairman, Privileges and Procedures Committee):

It is a great honour for me speaking on behalf of the Members of the States to welcome His Excellency, the Lieutenant Governor, General Sir John McColl, as he takes his seat in the States Assembly for the first time, and of course to extend that very warm welcome to Lady McColl and to other members of the family who are present in the gallery. At yesterday's swearing-in ceremony in the Royal Court there were 2 excellent speeches given by Her Majesty's Attorney General and by yourself, Sir, which touched on His Excellency's distinguished record of military service, the historical importance of the role of Lieutenant Governor and the extent of the obligations that His Excellency has assumed by swearing the oath of office. As I listened I mentally crossed-out large portions of what I had been planning to say today. Then later in church, as I listened to the Dean's address, I mentally crossed-out most of what was left. **[Laughter]** At this point, I am sure that His Excellency might well be forgiven for thinking that my speech will therefore be mercifully brief. **[Approbation]** However, over the next 5 years **[Laughter]** I am sure that His Excellency is going to find that despite the requirements of Standing Order 104(2)(a), which counsels against undue repetition in speeches, it is a rare States Member indeed who refrains from speaking just because someone who has gone before them has said exactly what they wanted to say and probably much better than they are going to say it. This morning His Excellency has taken his seat in one of the oldest Legislatures in the English-speaking world. It came into being in the 16th century and its origins go back several centuries before that. There are minutes of the States, combined with those of the Royal Court, dating from 1524. Indeed, the fact that separate records for the Assembly exist from 1603 onwards is generally attributed to an earlier Governor, Sir Walter Raleigh, whose commemorative plaque has a prominent place on the wall in the public gallery. So it is certainly true that past Governors have helped to shape the destiny of the Assembly over time. I am almost sure that not all of them will have gone on to be beheaded. The role of Lieutenant Governor in various incarnations, Warden, Captain, Governor, has its origins in Norman times and in the mid-13th century after the Treaty of Paris a Warden and a Bailiff were appointed to run the Island on behalf of the King of England. However, although the 2 respective roles share some elements of common history, the relationship between them has not always been an easy one. In fact, in the 17th century a power struggle between the Bailiff and Governor led to a certain formalisation of the position. An Order in Council dated 18th February 1617 laid down that the charge of military forces be wholly in the Governor and the care of justice and civil affairs in the Bailiff. While there is, of course, to this day a visual reminder of the Bailiff's precedence in the States Assembly with the symbolic difference in height of the respective seats, bearing in mind His Excellency's military prowess, I hope that you will have reassured him that relations between the

Bailiff and the Lieutenant Governor have tended to be much more cordial in recent times. As Her Majesty's Attorney General noted yesterday, it can be said that Jersey's right to self-government stems from 2 things; the loyalty of our predecessors to the Crown and the privileges and liberties conferred by the Crown in recognition of that loyalty. With our relationship with the Crown so important and so intrinsic to all that we are it is not insignificant that despite several major revisions of the composition of the Assembly the Lieutenant Governor still sits as an unelected member today, although his duties in the Assembly have changed over time. Although the Lieutenant Governor has the right to address the Assembly it has long been the custom that he does not speak during debates and, in fact, traditionally makes only 2 addresses during his term of office: one on taking up his seat and the other at his final sitting before leaving office. Many newer Members, however, may not appreciate that it was only with the implementation of the States of Jersey Law 2005 that the Lieutenant Governor's power of veto over any decision of the States, which might concern the special interest of Her Majesty the Queen, was abolished. Although it had not been used within living memory until that time any such decision of the States taken when the Lieutenant Governor was not present could not be implemented unless he had been given the opportunity to exercise that power of veto. So why, with no vote, no veto, and no real opportunity to influence the debate is it important that the Lieutenant Governor sits in the States Assembly to this day? The Lieutenant Governor is, of course, the personal representative of Her Majesty the Queen and her impartial adviser. He is also a vital point of contact between the States of Jersey and the Government of the United Kingdom. As you reminded us yesterday, the Lieutenant Governor's prime loyalty is not to either Government but rather to Her Majesty the Queen and he must also consider the *Bien Publique* - the interests of her subjects, the Islanders themselves. The Island's autonomous capacity in domestic affairs was reinforced by the granting of Royal Assent to the States of Jersey Law 2005. By sitting in the Assembly and observing the progress of debates the Lieutenant Governor can better understand the deliberations of the States and, in turn, he can help to ensure that the views of the Island's Parliament are accurately communicated to and understood by the U.K. (United Kingdom) Government. The tenure of each Lieutenant Governor is now only 5 years but during that relatively short time the people of Jersey tend to take each incumbent to their hearts. In more recent times certainly it seems that as the term of each Governor has progressed the words "hard act to follow" have been heard more and more frequently. However, His Excellency need not be daunted by that. I am confident that the vast majority of Islanders continue to take pride in Jersey's special relationship with the Crown and that their appreciation of the office of Lieutenant Governor remains strong. While we cherish the solid constancy of that office we delight in the fresh approach that each new Lieutenant Governor brings. As the personal representative of Her Majesty the Queen, I am sure that the preparations for celebrations to mark the rapidly approaching Diamond Jubilee will feature prominently on His Excellency's agenda and I am confident that at that time His Excellency will experience at first hand the affection, admiration and loyalty, which Islanders continue to feel for *La Reine, notre Duc*. Many of the works that His Excellency will undertake will be very public but I know from speaking to the previous incumbent that there will also be a time for less prominent but no less important things. Many of the functions performed, such as communications with Her Majesty, will have important ramifications for the Island, and others in areas such as naturalisation and honours will be extremely important to individuals on a personal level. His Excellency, together with Lady McColl, will meet Islanders from all walks of life and in some cases their patronage of a charity will be a crucial boost to recognition of a worthy cause, and their simple presence at an event will go a long way towards making it a success. In short, while in office, His Excellency will have the real possibility to make a difference not only to Island life but equally importantly to the lives of Islanders. In return, I hope and expect that the Island will make a lasting impression on His Excellency. Yesterday the Attorney General spoke of the different flavours of the Island and, of course, Jersey is subject to the same stresses and problems that can affect any community. Overall, however, I hope that His Excellency will find that the Island leaves him refreshed and with an appetite for more.

[9:45]

I do not know whether His Excellency will share his predecessor's interest in the bobsleigh, and I have absolutely no idea whether Lady McColl harbours a secret wish to try wing-walking, but I am confident that they will both soon make their own firm impression on the people of this beautiful loyal Island. The list of duties that the Lieutenant Governor will perform is very long and varied, and I am certain that His Excellency and Lady McColl are going to be kept very busy over the next 5 years. As I pass on the good wishes of Members, and ask them to show their feelings in the customary way, I express also the hope that they will both find that their time on the Island is not only challenging and fulfilling but is also greatly enjoyable. Thank you, Sir. **[Approbation]**

The Bailiff:

Thank you very much, Connétable. It now gives me great pleasure to invite His Excellency to reply.

His Excellency General Sir John McColl K.C.B., C.B.E., D.S.O., Lieutenant Governor:

Mr. Bailiff, Chief Minister, Connétable of St. Mary, Members of the States and ladies and gentlemen, first I would like to thank Connétable Gallichan for her words of welcome. While we, Gene and I, have visited the Island on a number of occasions prior to taking up our appointment. We are, for the moment, strangers among you, and the warmth and sincerity of your remarks, combined with the warmth and sincerity of the welcome that we have received since we arrived on the Island is much appreciated, so thank you very much indeed. I would also like to thank the States for their generosity in inviting my family to be present. As you can see, although I cannot, we are here in some strength and that reflects the importance of the day both for me and for the remainder of my family, so thank you very much indeed. I am very conscious that I am with you as an unelected member in a democratic chamber. I recognise the unusual and the very privileged nature of my position, which reflects the Island's special relationship with the Crown, itself unusual and distinctive but, as we have just heard, a central aspect of the Island's heritage and its identity. Preparing for today and, indeed, the next 5 years, I read a little of the Island's history and the evolution of its governance arrangements. The successive reports have included among them, Kilbrandon, Clothier and latterly Carswell with, I understand, an Electoral Commission pending. All of this work indicates an admirable willingness to examine, re-examine and adjust the Island's arrangements in pursuit of effectiveness, efficiency and transparency. A newcomer, a novice, cannot hope to immediately understand the intricacies and, indeed, the sensitivities of the debates and developments that have already taken place and may subsequently flow from these studies. It may also be that the subtleties of the Island's structures and the issues not widely understood beyond these shores, particularly in Whitehall, where the new contact arrangements will no doubt, at least initially, add a more demanding and time-consuming requirement for dialogue and explanation. In order that I can do all that I am able to strengthen that dialogue and support those charged with conducting it I need to gain a first-hand understanding of the Island's issues, and therefore I value sincerely my place in this Chamber albeit, as we have heard, as a silent Member. I arrive in post at a time of upheaval and risk in many areas across the world. The economic difficulties of recent years are continuing with leaders appearing close to exhausting their ameliorating strategies and measures. The depth and persistence of the financial crisis in the U.S.A. (United States of America) and Europe are a particular cause for concern, and I know from my recent tour in Belgium how difficult it is to gain rapid and decisive direction from Brussels. In addition to economic difficulties we face continuing threats to international security, with British Forces heavily engaged in Afghanistan and Libya, as well as an enduring presence in Iraq. At home, the recent appalling riots across the U.K. are a reminder of the importance of a strong and caring society where all feel valued. No doubt Jersey will be buffeted and tested by the ebb and flow of world events and internal pressures, as so often in the past. However, as a consequence of the efforts of this Chamber over so many years, through careful management and considered direction, the Island does so from a position that many Governments across the globe would envy.

The remarkably clear Strategic Plan indicates the Island's proactive and direct approach to the challenges that it faces. I look forward to supporting that work in any way that I can in the future. In the U.K. recently there has been a great deal of discussion and reflection on the nature of society and the importance of individual responsibility. I am aware from talking to a number of my predecessors that Jersey's society is renowned for the strength of its voluntary and honorary service and its vibrant sense of community. I note from the *Jersey Evening Post*, which I have become an avid reader of over the last 6 months, that a recent visiting Westminster M.P. (Member of Parliament) has written to Mr. Cameron advising him that he should visit Jersey because there we will find the elusive big society that he is talking about, and I look forward to involving myself, with my wife, Gene, fully in Island life in the coming years. Mr. Bailiff, thank you for convening this special sitting of the States. I take up my duties with pride and humility. For me there could be no greater honour than to represent Her Majesty the Queen in one of her Crown Dependencies. To do so on such a beautiful island as Jersey is doubly fortunate. My wife and I are resolved that Jersey and the wellbeing of the people of Jersey will be our primary concern over the next 5 years. I know that it will be 5 years before I speak in this forum again, and in the intervening period I resolve to be a good listener. Thank you very much. **[Approbation]**

The Bailiff:

Thank you very much, your Excellency. May I just say to all those here that they are warmly invited to take refreshments after this sitting rises in the Church Hall. That concludes the proceedings and the sitting is closed.

[9:52]