

4. Questions to Ministers without notice - The Minister for Home Affairs

The Deputy Bailiff:

We come now to questions without notice. The first question here is to the Minister for Home Affairs from Deputy Shona Pitman.

4.1 Deputy S. Pitman of St. Helier:

We heard this morning that the Chief Minister was not aware of any records going missing with regards to those abused at care homes ...

Senator I.J. Gorst:

Sir, sorry. I do not know if the Deputy would give way. I did not say I was not aware of records going missing, I said I was aware of the gaps in records that were not available.

The Deputy Bailiff:

I think that is factually correct.

Deputy S. Pitman:

I apologise, Sir, but I still have a question to ask. Is the Minister for Home Affairs not concerned that records that were held at Jersey Archives with regard to those on committees at Haut de la Garenne, the Jersey Library and photos and *J.E.P. (Jersey Evening Post)* articles that were held there no longer are there? The *Jersey Evening Post* had a binder of photos and articles about Haut de la Garenne and those who were at the care homes in 2008, they no longer recall records being in this binder. Further, there were 5 boxes found at Property Holdings containing complaints from lawyers of children complaining of abuse at States care homes. Is the Minister for Home Affairs concerned at these revelations?

Senator B.I. Le Marquand (The Minister for Home Affairs):

I would need more time to consider precisely what the Deputy is saying. In general terms, I am not at all surprised if records from the past have gone missing because my general impression of the state of the records kept by the States of Jersey over the years is that the recordkeeping has been very poor. So I would not be surprised in general terms, but I would have to consider in more detail specific matters.

4.2 Deputy T.M. Pitman:

A few months ago H.M. Solicitor General, I think it was, kindly confirmed that lawyers could be prosecuted for fraud. Given that I have been approached by a number of people, and I have got evidence from my own case, of lawyers attempting to overcharge by more than £40,000, just around 40 per cent of a bill; if that evidence is given to the police can the Minister for Home Affairs confirm that that will be pursued rather than allowing it to go off into the hands of the Law Society where, really, nothing will happen?

Senator B.I. Le Marquand:

If a criminal complaint is made to the police then obviously they will consider that in the normal way. On the wider issue, which is not strictly within my remit, of disputes in relation to the fees payable by clients to their lawyers, I have long been of the opinion that we should be following the U.K. system whereby there is a procedure for taxation, that is assessment of what is the appropriate level of fees as between client and lawyer. It is not strictly within my area, but I think that that is a way forward which should be looked at.

4.3 Connétable M.P.S. Le Troquer of St. Martin:

Could the Minister for Home Affairs suggest what he believes would be a better and more productive way forward to see how to put to rest once and for all and to save valuable time: his valuable time, this Assembly's time and officers', regarding the arrest and detention and prosecution of H.G, because we seem to get at every sitting a different instalment, a conflicting instalment?

Senator B.I. Le Marquand:

I do not particularly live in hope on this one but, of course, I would remind the Connétable that the Chief Minister has requested that there be a review in relation to the way in which H.G. was dealt with, which is to be conducted by the lady whose office title I cannot remember but who has responsibilities as the independent chair of the organisation, which deals with issues of vulnerable adults. I am quite happy for that to happen but I am afraid that I am quite used to having questions of this nature. I have fielded such questions over 5 years and I suspect, if I remain Minister for Home Affairs, I will continue to field them for the remainder of my term.

4.4 Deputy M. Tadier:

Will the Minister for Home Affairs advise whether he thinks the current electoral college system for electing certain members of the Royal Court, namely the Jurats, is appropriate and can he also say which other jurisdiction allows their parliamentarians and advocates to choose these kind of members of their courts?

[11:30]

The Deputy Bailiff:

I am not clear, Deputy, that is within the remit of the Minister for Home Affairs; it is the Chief Minister who is responsible for justice issues.

Deputy M. Tadier:

I thought that may be the case.

4.5 Deputy T.M. Pitman:

Just to enlarge on the question that Deputy S. Pitman asked earlier; would I be right in suspecting that when 5 boxes of letters, from parents and from lawyers complaining about treatment of children being abused at Haut de la Garenne, were discovered up at the Education, Sport and Culture Department building at Highlands and the member of staff who found them said they were taken down to Property Holdings and signed for, would you know if those 5 boxes were then forwarded to the police, as they surely should have been, or has he got no knowledge of those 5 boxes, which I think you would agree could be pretty crucial?

Senator B.I. Le Marquand:

I have no knowledge whatsoever of this. If it is a matter that should go to the police then somebody should make an appropriate complaint and ask the police to consider it.

4.6 The Deputy of St. Martin:

I have asked the Minister for Home Affairs on previous occasions about proposed changes to the retirement age for operational fire fighters. Can you update the Assembly if there has been any progress in this direction?

Senator B.I. Le Marquand:

No, I have not heard anything further on it. I am still of similar opinion to the opinion I expressed before, which is that although it would be quite proper for the age to move to 60, I

believe some special arrangements in relation to pensions would need to be made for officers who might, through no fault of their own, be unable to retain the necessary fitness for that age.

4.7 Deputy M.R. Higgins:

I hope you will allow me to do this, I am going to ask 2 questions: one is clarification of an answer from the Minister for Home Affairs earlier because I think he inadvertently misled the House. The Minister said there were 4 visits by the Force Medical Examiner and, just checking the records, there were 5. Will he confirm that he made a mistake there? Secondly, can he confirm on that clarification whether the figure he gave us for costs for the Force Medical Examiner's visits included the cost of the psychiatric visit as well, which was an extra visit? If I could ask that and if I can ask my second one, please?

Senator B.I. Le Marquand:

The Force's figure I have been given today. Obviously I will have to produce a detailed timeline which, if that includes 5 then it includes 5, but I was given 4 today. In relation to the cost of the psychiatric visit, I have assumed that that was provided within the hospital services by way of an extension and that there was no specific charge for that. But I cannot categorically say that.

4.8 Deputy J.A. Hilton:

I was reading through some old papers over the weekend and I remember I recalled at the time there was a lot of disquiet around the disciplinary code for the previous Chief Officer of States Police. My question is could the Minister for Home Affairs tell the Assembly whether the disciplinary code for the Deputy Chief Officer and Chief Officer has been updated and is now fit for purpose, because I could not recall? I know the work was in play but I am not sure whether it was ever completed.

Senator B.I. Le Marquand:

Work is ongoing on that. A great deal of progress has been made and I certainly am very optimistic that I will be able to lodge before this Assembly a proposition in order to pass regulations to deal with the processes for disciplinary matters. Quite a lot of detail work has been done on that and we are at a fairly advanced stage but I cannot give a precise date for that because of human rights considerations of assessment and so on. But I do believe that we do need amendments here and, particularly, I believe that it is not right that so much emphasis under the present system lies with the Minister having to make decisions at all stages.

4.8.1 Deputy J.A. Hilton:

Sorry, can I just ask a supplementary? This piece of work has obviously taken quite a long time. Is the Minister for Home Affairs confirming that he going to bring this back for debate prior to the end of this current session?

Senator B.I. Le Marquand:

Well, not this session prior to going to the States. Yes, that is a very high priority; it is one of my highest priorities.

4.9 Deputy M.R. Higgins:

One of the things that concerns me about the arrest and detention of H.G. was the fact that the allegation was made on the Saturday evening that she was going to disrupt the church service, or may have said that she was going to disrupt a church service, whereas she was going to a

charity event. But it was not reported to the police until Sunday morning and this lady was arrested at 9.30 in the morning. I find it strange that it was not reported to the police until the Sunday so it could not have been that important. If it was considered that serious I would have imagined it would have been reported on the Saturday night after it was made. Why was it necessary to arrest this woman at 9.30 in the morning, when it is obvious that if it was not reported immediately it could not have been considered that serious? Then she is detained for the whole of that day for an inordinate period of time. I just find it so strange that the police acted in the way they did and the method of detention. Would the Minister for Home Affairs like to elaborate on that?

Senator B.I. Le Marquand:

That is simply not within my knowledge. These are details of an operational matter. I have already said complaints have been made previously in relation to H.G. but this has not proceeded to formal charges. What I can say, in relation to this decision to arrest and the decision to detain, is that there is remarkable consistency here. Obviously she was initially arrested, she was looked at by the duty sergeant, who had responsibility for custody at that time, and he decided it was appropriate that she remain in detention for the reasons set out in his notes. Subsequently, the issue after charging was looked at by the Centenier and he decided it was appropriate she remain in custody. Subsequently the next day she is presented by the court, which thought very carefully about it and finally the court decided she should remain in custody. These are individual decisions made by various individuals at different times. There appears to me to be a remarkable consistency.

4.10 Connétable D.W. Mezbourian of St. Lawrence:

We heard during the Budget debate that the high cost of tobacco and alcohol is driving the public to import more duty-free items. What is the Minister for Home Affairs doing to ensure that large quantities are not being imported undetected through our ports?

Senator B.I. Le Marquand:

This is part of the general operations of the Customs and Immigration Service but I did say during the debate that indeed we now have plans to have additional staff at the ports and the airport during the summer period. This will need to be financed by the Treasury, but we have plans to have additional staff who will not be fully trained staff but who will be sufficiently trained to be able to exercise the function of looking particularly for larger numbers of cigarettes. When I say larger numbers, I mean the packs of 600s or 1,000s that sometimes come in, so we are able to respond to it.

4.10.1 The Connétable of St. Lawrence:

These new members of staff are going to be employed from next year, is the Minister for Home Affairs satisfied with them not having been in place in previous years?

Senator B.I. Le Marquand:

My staff have been reporting to me over the last 12 months or so an increasing difficulty in relation to amounts of cigarettes being brought in in larger units and not always having the time to effectively deal with that. But the Home Affairs Department are still in the process of trying to find its C.S.R. (Comprehensive Spending Review) savings; we still have not had the stock there and so it was difficult to see how it could give additional staff. The problem identified really is for summer months. In the winter time where there are less movements for immigration purposes there is no difficulty, but the pressure comes on in the summer and we are now, with the Minister for Treasury and Resources, seeking to address this. Perhaps we could have done it earlier but that was not in fact suggested by anyone.

4.11 Deputy M. Tadier:

Would the Minister for Home Affairs advise the Assembly whether he thinks the Island's drug policy is working effectively and would he agree that it is time for it to be reviewed?

Senator B.I. Le Marquand:

As I understand the Island's drugs policy, it is hard reduction based and it is also based upon causing significant disruption to routes of supply, and so on and so forth. As far as those aims are concerned, I think it is quite successful. I think it is also fair to say that there is now evidence of reduced use of drugs such as heroin and that is also a positive sign, although whether that is a result of policy or because of changing habits and patterns. Inevitably policies such as this will need to be reviewed from time to time and, to date, it is my understanding there is a piece of work that is being looked at. I am trying to recall who is doing it, whether it is in my department or with the Alcohol and Drugs Service, to assess the size of the issue. There has not been a definitive work to try to assess the size of the issue in relation to heroin addicts, and so on, for some years. I believe there is currently an initiative to do something there, although the details escape me.