

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Bailiff:

I have notice that the Chief Minister wishes to make a statement regarding the Strategic Plan.

6.1 Senator F.H. Walker (The Chief Minister) regarding the Strategic Plan:

The Council of Ministers met with the Scrutiny Chairman's Committee on 11th May to discuss their comments on the draft Strategic Plan which was sent to all States Members for consultation on 3rd March and formally lodged on 10th April. The Council will be considering their comments and hope to be able to respond constructively. The public consultation process has also now been concluded; 29 submissions were received from individuals and organisations. The vast majority of these were supportive of the vision set out in the Strategic Plan and made constructive suggestions about how some of the objectives could be achieved. I am very grateful to all those who responded in that way. At this point I would like to slightly depart from the script as written (and I apologise to Members for that and obviously I know you will pull me up if I depart too far) but as I have already said, the period for consultation is complete. The Council of Ministers - and it has always been scheduled as such - was originally intending to ask for the Strategic Plan to be debated on 6th June, as I said, as planned. However, following a telephone conversation I had this morning with the Deputy of St. Martin at which he expressed some concerns about his Panel's ability, now after such time has elapsed and within a very short time of the planned debate, to do the job it wished to do, I propose to ask - and I have not had the opportunity yet of asking all Ministers and certainly I would propose to ask - the States to agree to a 2-week deferment of the date until 20th June to enable the Deputy of St. Martin's Panel, and other Panels if they wish, to do the job of scrutiny, call Ministers in and put their questions or concerns to us on the Plan. So I will be, at the appropriate time, asking (with the consent of my fellow Ministers) the States to agree to that deferment. I will emphasise though that it is still a very tight time scale if Scrutiny are to do the job they were charged to do in the first place. But the Council of Ministers, I am sure - and my only reservation is I have not spoken to all of them - will co-operate fully with the Scrutiny Panel to enable the process to be completed in an orderly and complete way. The Strategic Plan sets out the Council of Ministers' vision for Jersey's future and how we believe the States should instruct us to proceed. The Bailiff has confirmed that all States Members are entitled to propose amendments to the Plan and it will be the States that set the Strategic Plan. In approving the Strategic Plan, the States will be setting a work programme for the Council of Ministers and the Executive Departments. This will set the broad framework of policies and programmes that the Council of Ministers will follow. Each year, starting this July, the Council will bring forward an annual business plan which will set out in detail the proposed use of resources and programmes for the coming year. The Strategic Plan will not be a straitjacket and if the States approves a business plan which differs from the Strategic Plan, the Council of Ministers will have to work to the business plan. If amendments to the business plan change the priorities in the Strategic Plan the Council of Ministers will identify these changes and their implications so the Assembly will be aware of the effect of their decisions, but it is the States who will decide. The Council was surprised to hear from the Scrutiny Chairman's Committee that they thought Ministers and the Council may be free to develop and agree significant new policies without reference to the States. I want to be clear that this is not the case. The report accompanying P.122/2001 - which described how the new structure of government will work and which was approved in its entirety by the States - says unequivocally that the States Assembly is the Island's seat of government and it will remain paramount. It goes on to say that the Minister will at all times be subject to the authority of the States and that the delegated authority of the Council of Ministers will be subordinate to that of the States. Any new legislation and major policy proposals will still have to be referred to the

States Assembly for a decision. These are the fundamental principles under which Ministers and the Council of Ministers are working. Thus, by agreeing a Strategic Plan, the States will not be giving Ministers an open delegation to determine policy. On the contrary, the States will be instructing a Minister or the Council of Ministers to develop a policy for presentation to the States who will then decide what the policy should be. Once that policy has been decided, and only once that policy has been decided, it will be for the Minister to implement it as efficiently and effectively as possible. I hope that this explanation of the purpose and the status of the Strategic Plan will assist States Members in deciding the form and nature of any amendments they may wish to promote.

6.1.1 Deputy G.P. Southern:

Thank you, Sir. Could the Minister say what explanation he has received from the Bailiff as to the change of opinion between the morning and the afternoon as to whether or not the Strategic Plan could be amended? Also, (b), if the Strategic Plan is no longer binding, can he say what purpose is served by amending it?

Senator F.H. Walker:

Firstly, your position. The Bailiff took the decision based on his interpretation of the States of Jersey Law, which he was perfectly entitled to do, and indeed required to do. Following consultation with myself and others and further consideration, the Bailiff agreed that an alternative interpretation was possible and therefore agreed that he would allow amendments. It is quite straightforward. Any law is subject to interpretation; that is what courts do all the time, and we see no difference in this context, and the Bailiff was perfectly at liberty to do what he did, and I commend him for being prepared to accept that there was an alternative interpretation, or could be an alternative interpretation. So far as the worth of the Strategic Plan is concerned, I simply cannot understand where the Deputy - and I have to say, others - are coming from. If you want the Council of Ministers to work efficiently, you have to give the Council of Ministers guidelines about what areas we should be pursuing. A programme of work. That is what the Strategic Plan is all about. Now, if you do not want to do that, then the Council of Ministers will just have to take their own decisions on which policies they decide to bring forward to the States for further discussion and approval. What a terrible way to run a government. What an incorrect way to run a government. The Council of Ministers needs guidance on what the States' views are; it needs instructions from the States on what policies it should pursue for further debate in the States and what it should not.

6.1.2 Deputy J.A. Martin:

What a way to run a government. Now, the Chief Minister - this is the vision, the Strategic Plan is their vision, and on the second paragraph he says: "The public consultation process has now been concluded." There has not been one public meeting, Sir, and we were accused at the Chairman's Committee meeting that this was because scrutiny did not allow the setting up of Citizen's Panel. I think this is pathetic; I think this is a 5-year plan, the first one... The question is - I am grateful to the Minister for giving 2 weeks for the Assembly to bring amendments, but when is he going to consult, hold proper public meetings with the public of Jersey that this affects for the next 5 years?

Senator F.H. Walker:

The Deputy is quite right when she referred to the fact that the Council of Ministers wanted to go further than ever before in Jersey in consulting with the public, and we were prevented from doing so by a decision of this House. We were prevented from setting up the Citizens' Panel, which we believed and still believe would have been a huge step forward in consulting with the public - and I will not go into the details of how it was going to be set up and so on; that was

dealt with in the debate. On the back of that, we have ensured that the document has been as widely available as possible to as many members of the public as possible, and we are satisfied that that is as far as it was correct for us to go under the instructions and in accord with the wishes of the States.

6.1.3 Deputy A. Breckon:

The Chief Minister said in his statement - I would just like to quote this, Sir: "On the contrary, the States will be instructing the Council of Ministers to develop a policy for presentation to the States, who will then decide what the policy should be." Would the Chief Minister agree with me that this is the time for scrutiny in policy development, not when it has been done and presented as a *fait accompli* and become an opposition to the policy?

Senator F.H. Walker:

Absolutely; but my statement did not cover that point. I think I have made that point earlier. My statement covered the point that the States are masters here of the destiny, and it is only for the States to take a decision. We want to work closely with Scrutiny, and I am still completely befuddled as to why that has not been possible on the Strategic Plan. But that is an issue for Scrutiny, not for Council of Ministers.

6.1.4 Senator J.L. Perchard:

In the Chief Minister's statement, he spoke of the Strategic Plan being a broad framework of policies and that Members are to be encouraged to make amendments. However, he continues to demand that Members provide the source of funding for any such amendment. Is he then making the assumption that the Strategic Plan is taken as read, and any other amendments are additional and require additional funding?

Senator F.H. Walker:

I did not continue to demand that a back-bencher identifies the source of funding. I said that the source of funding had to be identified. I am sure that the Senator, with his very known enthusiasm for reducing States' expenditure, would not himself be a supporter of any position where any Member can bring an amendment to the Strategic Plan, or indeed a report and proposition, any time of the year where the financial consequences are not clearly identified. I am sure he could not possibly support that position. I think in that respect we are very much in accord. But I did not say that the back-bencher or whoever bringing a proposition had personally to identify the source of funding. I said it had to be identified. That, I repeat, is only good government.

6.1.5 Deputy R.C. Duhamel:

The States of Jersey (Jersey) Law 2005 - this is item 18 under part 4 - requires the Council of Ministers under part (c): "... to agree and within 4 months of their appointment under Article 19/7, lodge for referral to one or more scrutiny panels established under Standing Orders and approval by the States a statement of their common strategic policy." That is it. That is the requirement under the Law. Could the Chief Minister outline to this House as succinctly as possible for the avoidance of doubt his notions of what comprises common strategic policy?

Senator F.H. Walker:

The common strategic policy referred to there quite clearly - I have not got the precise wording in front of me - is the common strategic policy of the Council of Ministers lodged for Scrutiny to scrutinise and for the States to consider and the States to approve or not as the case may be. I must admit I am confused; I do not pretend to understand the question.

The Bailiff:

Can I just remind Members that this is not another general period of questioning of the Chief Minister. It is a period where Members are allowed to question the Minister on the statement that he has just made. I hope that Members will bear that in mind.

6.1.6 Deputy G.C.L. Baudains:

The Minister told us just a few moments ago that the Council was prevented from forming a Citizens' Panel by this Assembly. Would he confirm, Sir, this is not true? In fact this Assembly is waiting for the Council to bring back the terms of reference and modus operandi so that it can be formed?

Senator F.H. Walker:

We were denied the opportunity of setting up the Citizens' Panel in the time scale available for this particular Strategic Plan by the proposition of the Deputy approved by the House.

6.1.7 Deputy R.G. Le Hérissier:

Would the Minister confirm that he will never utter the words "you approved it in principle" as we discuss follow-up policy?

Senator F.H. Walker:

I understand the Deputy's deep-seated long-held view on this matter, and again it suggests a misunderstanding of the position. If the States approve the vision or approve an amended vision for the Council of Ministers to work to, then the Council of Ministers will have to bring a detailed proposition back either through the business plan or separately as the case may be. All I will do is remind the States that they asked the Council of Ministers to do that piece of work; that the States said: "This is our vision for the future; you, Ministers, go away and work it up to such a form that you can then bring it back to us for detailed consideration, debate and approval or otherwise." That is what we will do. If I remind Members that they have approved that in principle, it will be only if Members say we should not be doing this at all. If Members bring amendments to the specifics in terms of resources, in terms of detail: perfectly acceptable. If Members say, having approved it in the Strategic Plan debate: "Well, we should not be doing this at all," I would regard that as a contradiction and inconsistent.

6.1.8 Deputy J.A. Martin:

Is the Chief Minister aware that due to the fact and given the excuse, as I say, that they could not use a Citizens' Panel, there has been no public consultation via the Council of Ministers, that scrutiny through the Chairman's Panel has had to set up its own public meeting on Thursday of this week at Holier School so the public can have their say on the Strategic Plan?

Senator F.H. Walker:

I am aware that the Chairman's Committee set up their own meeting, but the public have had every opportunity to make their views known on the Strategic Plan. Anyone who is interested cannot be unaware that there is a strategic plan. Anyone who is interested cannot be unaware of the content of the Strategic Plan. Anyone who is seriously interested has had every opportunity - by phone call, letter, email or personal meeting, -to express their views.

The Bailiff:

That, I am afraid, completes the period of questioning allowed for a statement, and we come now to a statement of which I have notice from the Minister for Home Affairs.